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RECORDS
OF
PLYMOUTH COLONY.

COURT ORDERS.

VOL. III.

1651—1661.



New Plymouth Colony.

RECORDS

OF THE

COLONY

OF

NEW PLYMOUTH

IN

NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE OF THE
COMMONWEALTH OF MASSACHUSETTS.

EDITED BY

NATHANIEL B. SHURTLEFF, M.D.,

MEMBER OF THE MASSACHUSETTS HISTORICAL SOCIETY, FELLOW OF THE AMERICAN ACADEMY OF ARTS
AND SCIENCES, MEMBER OF THE AMERICAN ANTIQUARIAN SOCIETY, FELLOW
OF THE SOCIETY OF ANTIQUARIES OF LONDON, ETC.

COURT ORDERS:

VOL. III.

1651—1661.



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REMARKS.

THE third volume of Court Orders of the Colony of New Plymouth is contained in a manuscript of about three hundred and forty pages, all in the handwriting of Mr. Nathaniel Morton, secretary of the colony. It comprises the records of the latter part of the administration of Governor William Bradford, and the first part of that of Governor Thomas Prence, including a period of ten years, commencing on the second day of March, 1651-2, and ending on the twenty-third day of July, 1661.

Occasionally matter of a miscellaneous character will be found entered in various parts of the volume; and in some instances this will be found out of chronological order. Care has been taken to make the indexes as full and perfect as possible.

N. B. S.

DECEMBER, 1855.

MARKS AND CONTRACTIONS.

A Dash - (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line ~ indicates the omission of one or more letters next to the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret ^ indicates an omission in the original record.

A Cross x indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, [].

Some redundancies in the original record are printed in Italics.

Some interlineations, that occur in the original record, are put between parallels, || ||.

Some words and paragraphs, which have been cancelled in the original record, are put between † †.

Several characters have special significations, namely:—

@, — annum, anno.
 ā, — an, am, — curiā, curiam.
 ā, — mātrate, magistrate.
 b, — ber, — num^b, number; Robt, Robert.
 ċ, — ci, ti, — acċon, action.
 cō, — tio, — jurisdiccōn, jurisdiction.
 ċ, — cre, cer, — aċs, acres.
 d, — dđ, delivered.
 ċ, — Trēr, Treasurer.
 ē, — committē, committee.
 ġ, — ġñal, general; Georġ, George.
 h, — chr, charter.
 ĩ, — begĭg, beginĭg, beginning.
 ł, — łre, letter.
 m̄, — mn, mn, — com̄ittee, committee.
 n̄, — recom̄dacōn, recommendation.
 n̄, — mer, — form̄ly, formerly.
 n̄, — month.
 n̄, — nn, — Peñ, Penn; año, anno.
 n̄, — Dñi, Domini.
 n̄, — ncr, — manñ, manner.
 o, — on, — mentiō, mention.

õ, — mō, month.
 p̄, — par, por, — p̄t, part; p̄tion, portion.
 p, — per, — pson, person.
 p, — pro, — pporcōn, proportion.
 p̄, — pre, — p̄sent, present.
 q, — qstion, question.
 q̄, — esq̄, esquire.
 ř, — Apr̄, April.
 s̄, — s̄, session; s̄d, said.
 s̄, — ser, — s̄vants, servants.
 t̄, — ter, — neut̄, neuter.
 t̄, — cap̄t, captain.
 ũ, — uer, — seŭal, several.
 ũ, — aboū, aboue, above.
 v̄, — ver, — seŭal, several.
 w̄, — w̄n, when.
 y^e, the; y^m, them; yⁿ, then; y^r, their;
 y^s, this; y^t, that.
 z, — us, — vilibz, vilibus.
 ℓ, — es, et, — statutℓ, statutes.
 ℓċ, &ċ, &c^a, — et cætera.
 viz^s, — videlicet, namely.
 ./ — full point.

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PLYMOUTH COURT ORDERS.

1651—1661.

PLYMOUTH RECORDS.

THE RECORDS OF THE COLONY OF NEW PLYMOUTH IN NEW ENGLAND.

[The third volume, commencing with the record of the General Court held on the second day of March, 1651-2, and ending with a record bearing date the twenty-third of July, 1661, is entirely in the handwriting of Secretary Morton. As in the case of the preceding volumes, the original indexes are not printed as written in the manuscript, but are incorporated with that expressly prepared for the printed copy.]

ACTS AND PASSAGES OF COURT AND GRANTS OF LAND FROM THE YEAR 1651 UNTIL THE YEAR 1661.

NEW PLYM. BRADFORD, GOV^r.

**Att a Generall Court holden at New Plym̄, the 2^{cond} of March, 1651-2.*

1651.

2 March.

[*1.]

| | |
|---|---------------------|
| BEFORE Wiltam Bradford, gen̄, Gouver ^r , | John Browne, |
| Wiltam Collyare, | John Alden, and |
| Captaine Miles Standish, | Captaine Thō Willet |
| Timothy Hatherley, | |
| Gen ^t , Assistants. | |

AT this Court open proclamaçõn was made, that whereas Edmond Weston had letters of administration graunted vnto him att the Generall Court holden at Plym̄ aforsaid, the 7th of June, 1648, to adminester vpon y^e estate of Thomas Howell, deceased, and hath continewed admine^s as aforsaid hetherto, that if any can claime any just debt from the estate of Thomas Howell aforsaid, they are to coñ in and demaund it betwixt this and the Generall Court to bee holden at Plym̄ aforsaid the first Tusday in June next, or otherwise the Court will then graunt vnto the said Edmond Weston a quietus est.

1651-2.

2 March.
BRADFORD,
Gov.

Fines and Sensures.

Gor̄g Pidcock, for vnadvised taking of an oath, and for insolent carriage towards M^r Hatherley, then maiestrate, was fined thirty shillings, to bee paid betwixt this and the next June Court, or otherways to suffer bodily punishment.

Nathaniell Bassett and Joseph Prior, for desturbing the church of Duxborrow on the Lords day, were sentenced each of them to pay twenty shillings fine, or, the next towne meeting or training day, both of them to bee bound vnto a post for the space of two houres, in soñ pu^b place, with a paper on their heades on which their capital crime shalbe written p^specusly, soe as may bee read.

Samuell Eaton, for pilfering and stealing, sentenced to sit in the stocks, and accordingly executed.

Nicolas Hide, for selling a gun to an Indian, fined twenty five pound, the time of paiment whereof is refered to the considera^on of Captaine Standish and M^r Browne ; further, the said Nicolas Hide is to satisfy Vssamequin about a peece hee had of him.

The Court have deputed Captaine Standish to rectify the bounds betwixt Barnstable and Sandwidge as soone as conveniently hee can.

L^{es} of adminestrac^on are graunted vnto Captaine Standish, Treasurer, to adminester vpon the estate of Henery Dreaton, de^c.

[*2.]

*Ralph Allen, Sen^r, and Richard Kerbey, for speaking vild and deriding speaches against Gods word and ordinances, were fined five pounds a peece, to be paid betwixt this and June Court next, or if not, then to suffer bodily punishment by whipping.

Wheras complaint is made vnto the Court that soñ of the towne of Duxborrow have felled and spoyled soñ timber in soñ such swampes as be- longe to the cuntry, —

The Court haue ordered, that noe pson or psons shall henceforth fell or make spoyle of any such timber, in any such swampes belonging to the cuntry in generall, vntell further order bee taken about the same at the next June Court.

A warrant was directed to Gorge Pidcocke, cuntstable of Scittuate, to warn Peeter Collymore psonally to appeere at the Generall Court, to bee holden at Plym^r aforsaid, the first Tuesday in June next, to answare for such scandalus and reproachfull speaches as hee hath spoken against M^r Hatherley, Assistant to the gouernment.

Wheras John Willis, of Duxborrow, complained that his daughter in

law, Rebeckah Palmer, was molested and hindered in performing faithfull service vnto her m^r, viz^s, Samuell Mayo, of Barnstable by the wife of Trustrum Hull, of Barnstable aforesaid, the Court haue sent downe order by Roger Goodspeed, grand iuryman, of Barnstable aforesaid, to warn the wife of y^e said Trustrum Hull to desist from such practises any further, as shee or any other that shall soe doe will answare it at their perill; and allsoe that the said wife of Trustrum Hull doe giue answare for her not appeering at this Court nor her attornie, to answare the suite comēced against her by the said John Willis.

1651-2.

2 March.
BRADFORD,
Go^t.

Memorand: that Mercy Tubbs bee warned by warrant to appeere at June Court, to answare for mixed dauncing, whereof shee is accused.

Mercy Tubbs
cleared with
admonition.

The Court haue desired that a publicke day of thanksgiving throughout the collonie may bee obserued therein to giue thanks to God for the great victories graunted to the army in the behalfe of the Parliament and comōwealth of England.

*Presentments by the Grand Enquest, on March the 2^{cond}, 1651.

2 March.

[*3.]

Wee p̄sent Jonathan Couentrey, of the towne of Marshfeild, for making a mocion of marriage vnto Katheren Bradberey, servant vnto M^r Burne, of the same towne, without her masters consent, contrary to Court order.

Departed the
gouernment.

Wee further p̄sent the towne of Marshfeild for not haueing a barrell of powder and lead in towne stock, according to order.

Engage to pro-
cure it accord-
ing to order.

Wee further p̄sent Edward Williams, of the towne of Scittuate, for taking away and fraudulently detaining of a sacke of Gilbert Brooks his, after demaund of the same.

Edward Wil-
liams fined
tenn shillings,
to be paid by
the next Court
of Assistants.

Wee further p̄sent the aforesaid Edward Williams for pilfering of wood from Goodman Pinchins dore.

Wee further p̄sent the towne of Scittuate for not haueing a barrell of powder & ledd in store according to order.

Promised to
procure it out
of hand.

Wee further p̄sent Katheren Winter, of Scittuate, for comitting y^e sinne of fornication with her father in law, James Turner.

Could not ap-
peere this
Court, but
sence punished
att Scittuate.

Wee further p̄sent Abraham Peirse, of the towne of Duxburrow, for slothfull and negligent spending the Saboth, and not frequenting the publick assembly. The Court saw reason to excuse him for p̄sent, but sence cleared, with warning to amend.

Wee further p̄sent John Barnes, of the towne of Plyñ, for being drunke on the 26^t day of January last past.

Cleared by
pailing the fine.
The Court will
examine the
order, and doe
as they shall
see reason.

Wee further p̄sent the towne of Rehoboth for not haueing a generall stock of armes according to order.

1651-2.

2 March.
[BRADFORD,
GOVERNOR.]

[*4.]

*Wee further p̄sent the towne of Taunton for not hauing a common stock of powder & shott, according to order. They will endeavour forthwith to provide.

Wee further p̄sent the towne of Sandwidge, for the like defecte.

Wee further p̄sent Thomas Launder, of the towne of Sandwidg̃, for hauing a child born within thirty weeks after marriage. See more of this the 36th page of this booke. Not appeering, fined according to order.

Rest for the
p̄sent, because
it could not bee
fully ended.

Wee further p̄sent Nicholas Davis, of the towne of Barnstable, for hauing a child five weekes and foure daies before the ordinary time of weemen after marriage.

Cleared.

Wee further p̄sent Jonathan Hatch, of the towne of Barnstable, for furnishing of an Indian with gun, powder, and shote.

1652.

4 May.

*Att a Court of Assistants holden at New Plym̃, the 4th of May,
1652.*

BEFORE Wiltam Bradford, gen̄, Gouverner, Capitaine Miles Standish, and
Wiltam Collyare, John Alden,
Gen̄, Assistants.

MR PRENCE and M^r Collyare are ordered and requested by the Court to goe to Scittuate as soone as conveniently they can, and to view the ancient bound markes at Scittuate, which they formerly set out, and to make report vnto the Court how they find them.

Wheras Edward Holman hath been obserued to frequent the house of Thomas Sherive at vnseasonable times of the night, and at other times, which is feared to bee of ill consequence, —

The Court haue therefore ordered, that the said Edward Holman bee warned by the cunstable of Plym̃, that hee henceforth doe no more frequent or com̄ at the house of the said Sherive, nor that the wife of the said Sherive doe frequent the house or companie of the said Holman, as either of them will answare it at their perills.

Wheras Joseph Ramsden hath for soñ time liued with his family remotely in the woods from neighbours, wherby his wife hath been exposed to great hardship and perill of loosing her life, and other inconueniences haue followed therupon, the Court haue ordered, that the said Joseph Ramsden bee warned by the cunstable of Plym̃ to bring his wife and family, with all

convenient speed, near vnto soñ naighborhood, that soc shee may bee in a way of healp, as nessesitie shall require, as hee will answare the neglect therof at his perill.

1652.

4 May.

[BRADFORD,
GOVERNOR.]

*.At the Generall Court of Election, holden at Plym̄, for the Jurisdiction of New Plym̄, the 3^d of June, 1652.

3 June.

[*5.]

BEFOR Wiltam Bradford, gen^t, Gouverner, Timothy Hatherley,
Thomas Prence, John Browne, and
Miles Standish, John Alden,
Gentlemen, Asistants.

M^R WILŁAM BRADFORD elected Gouverner, and sworne, and hath libertie graunted him to chose a depu^t, to serue in his roome if hee shall haue occation to bee absent any p^te of this yeare.

| | |
|-------------------------------|---------------------------------------|
| M ^r Thomas Prence, | } were elected Asistants, and sworne. |
| Captaine Standish, | |
| Timothy Hatherley, | |
| John Browne, | |
| John Alden, | |
| Cap ^t Willet, | |

Leiftennant Southworth not sworne.

Captaine Miles Standish chosen Treasurer.

Freemen admitted this Court, and sworne.

| | |
|----------------------------|------------------------------|
| M ^r Thō Allen, | Wiltam Foard, |
| Trustrum Hull, | Elisha Besbey, |
| Thomas Huckens, | M ^r John Freeman, |
| Leiftenant Perigrin White, | John Wetcome, |
| John Willis, | Nathaniell Mayo. |
| Wiltam Twining, | |

The Names of such as stand propounded to take vp their Freedom.

| | |
|-----------------|------------------|
| Abraham Blush, | John Woodfeild, |
| Wiltam Mericke, | Redulphus Elmes, |
| Thō Ensigne, | Isaak Chetenden, |

1652.

3 June.
[BRADFORD,
GOVERNOR.]

| | |
|-------------------------------|----------------------|
| John Williams, Junier, | Samuell Arnold, |
| John Damman, | Richard Tayler, |
| John Hore, | Richard Seares, |
| ‡John Barker, ‡ | Wiltam Crooker, |
| Leift ⁿ Fuller, | Austine Bearce, |
| M ^r Anthony Aimes, | Zacary Soule, |
| Marke Aimes, | Edmond Weston, |
| Wiltam Sabin, | Robert Studson, |
| John Butterworth, | John Marchant, |
| Robert Fuller, | Richard Beare, |
| Robert Shelley, | Samuell Fuller, Juñ. |

[*6.]

*The Cunstables of the severall Townes.

| | |
|-------------|---|
| Plym̄, | Richard Wright. |
| Duxburrow, | Wiltam Bassett. |
| Scittuate, | { John Whetcom, William Parker. |
| Sandwidge, | { Jonathan Fish, to bee sworne at home. |
| Taunton, | James Walker. |
| Yarmouth, | { Beniamine Hammon, to bee sworne at home. |
| Barnstable, | James Naighbore. |
| Marshfeild, | { Anthony Snow, Leiftenant Perigren White. |
| Rehoboth, | Walter Palmer. |
| Eastham, | { Steuen Wood, to bee sworne at home. |

The Deputies of the severall Townes.

| | |
|------------|---|
| Plym̄, | { M ^r John Howland, M ^r John Winslow, John Dunham, Senī, Leif ^t Thō Southworth. |
| Duxburrow, | { Constant Southworth, M ^r John Bradford. |
| Scittuate, | { M ^r James Cudworth, Humphry Turner. |
| Sandwidḡ, | { Richard Burne, fined, Thō Tupper. |

1652.
7 June.
[BRADFORD,
GOVERNOR.]

| | |
|-----------------------|---|
| Taunton, | { Mr Thō Gilbeř, Leiftenant Wyate. |
| Yarmouth, | { Mr Anthony Thacher, Mr Thō Howes. |
| Barnstable, | { Henery Cobb, Nathaniell Bacon. |
| Marshfeild, | { Kanelme Winslow, Thō Chillingsworth. |
| Rehoboth, | { Mr Thō Cooper, Steuens Payne. |
| Eastham, | { Daniell Cole, ‡Edward Banges,‡ Nicalas Snowe. |

The Surveyors of the Highwaies.

| | |
|-----------------------|--|
| Plym̄, | { James Cole, Thō Pope, Samuell Sturtivant, Joseph Warren. |
| Duxburrow, | ^ |
| Scittuate, | { John Hewes, Senī, Ephraim Kemton. |
| Sandwidge, | ^ |
| Taunton, | { Richard Paule, Clement Mayfeild. |
| Yarmouth, | { Wiltam Lumpkin, John Joyce. |
| Barnstable, | { Abraham Blush, Dolare Davice. |
| Marshfeild, | { Joseph Bedle, Wiltam Sherman, |
| Rehoboth, | { Joseph Peck, Junī, Jonathan Blisse. |
| Eastham, | ^ |

*The Grand Enquest.

[*7.]

- | | |
|--------------------------|--------------------|
| 1. Mr Thō Dexter, Senī, | 6. Robert Finney, |
| 2. Christofer Wadsworth, | 7. Samuell Arnold, |
| 3. Robert Bartlet, | 8. Richard Sares, |
| 4. Thō Whitney, | 9. John Chipman, |
| 5. Edward Banges, | 10. John Tisdall, |

1652.

3 June.
[BRADFORD,
GOVERNOR.]

- | | |
|--------------------------------|------------------------------------|
| 11. Willam Hedges, | 18. † Samuel House, |
| 12. Robert Caruer, | absent and fined, † |
| 13. M ^r John Starr, | 19. Thō Dexter, Jun ^r , |
| 14. Robert Studson, | absent, fined, |
| 15. James Torey, | 20. Will Swift, absent, fined, |
| 16. Robert Fuller, | Marke Aimes. |
| 17. Henry Smith, | |

2 June.

Presentments of the Grand Enquest, June the 2^{cond}, anno 1652.

Before the grand enquest proceed to p^sentments, they doe earnestly desire the Court to take in to considera^on the great disorder that is in the cuntry, for want of just and equal measures, and the wrong that without speedy redresse may come therby, and likewise that there may bee a co^mon standard in euery townshipp, y^t soe the grandiury may annually try the measures according vnto order.

Wee p^sent Joseph Harding, of Eastham, for carrying an Indians gun vnto the smith to bee mended, in his vnkels name.

Fined according to the order.

Wee further p^sent John Bryant, of Taunton, for exchanging of a muskett for a fowling peece with the Indians.

Freed with admonition to amend.

Wee further p^sent Henery Clark and Thurston Clark, Junier, of Namasakeesett, in the liberties of Duxburrow, for not frequenting the publicke assemblies on the Lords day.

Wee further p^sent Gor^g Russell, of the same place, for the same neglect.

Wee further enquire by what power the bench and co^mitties doth prohibite the inhabitants of the collony from saineing for basse at the cape, by an order made the last June, anno 1651.

[*8.]

*Forasmuch as there is euidence brought vnto vs, on oath, of a scandall that is layed on the gouernment, by M^r Miller, of Yarmouth, publicly deliuered, and there being so^me doubt in so^me few of the jury, by reason they thinke there is not sufficient testimony, which they conceive may certainly bee obtained by the next Court, wee doe hereby earnestly desire that the next jury would take it into serius considera^on, as a matter that doth much concerne them, to vindecate the innoency of the collony.

Wee further p^sent the townes of Sandwidge and Mattakeesse, or Yarmouth, for not building a bridge over the Ellriuer, according to order.

Gorge Russell, for abusing the cunstable of Scittuate in the execucion of his office, is fined 3 pounds, to bee paid by the next Court of Assistants.

Peeter Worden and Wiltam Hailstone, for not appeering to serue on the grand enquest, are fined according to order.

1652.

The Court haue ordered M^r Hatherley that hee take course that the milietary company of Scittuaté doe traine accoing to order this yeare, and that hee see that some fitt psons bee joyned with the cunstables of Scittuate, to take view of their amunicion, and to see that they haue powder and shott according to order.

3 June.
[BRADFORD,
GOVERNOR.]

Likewise the cunstable of Sandwidge, by a warrant, is required to call vpon the leiftenant and Wiltam Newland, to traine the milietary companie of Sandwidge, and if hee refuse, to appoint their sergeant, Peeter Wright, to doe it.

A quietus est is graunted to Edmond Weston, haueing ben administrator on the estate of Thomas Howell.

The Court haue ordered, that all publick officers shall take an oath, according to the nature of their office.

David Linnet and Hannah Shelley, for vnclane practises eich with other, are sentenced by the Court to bee both publickely whipt at Barnstable, where they liue.

*The Office of the Head or Chiefe Marshall, wherein his Oath is included.

[*9.]

That hee bee redly to attend the Generall Courts and their seuerall adiournments, and Courts of Asistants, as alsoe the Court of Comissioners, when they meet in this gouernment, and the Goũrs pson especially, at these Courts.

2^{ondly}. Hee shall faithfully, with what speed hee may, collect and gather vp all such fines and summes of money in such goods hee can find, of euery pson for which hee shall haue warrant soe to doe by the Goũ, or any of his Asistants; and shall, with like dillegence, leuy the goods of euery pson for which hee shall haue warrant soe to doe by any execution graunted by the Court, and that the same soe collected or leuied shall, with all convenient speed, deliuer in to the Treasurer, or the psons to whom the same shall belonge; and shall serue all attachments directed to him, which shall comẽ to his hands, and shall pforme, doe, and execute all such lawfull demaunds, directions, and warrants as by lawfull authoritie heere established shallbee comitted to his care and charge, without favor or partiality to any pson, and shall take onely his ordinary fees allowed, without exaction vpon any pson, and shall safely keepe, as head marshall, all such psons as shallbee comitted to his custodie by the gouernment, Goũ, or any of his Asistants; and shall haue full power, in case hee see oçation to require aide and asistance of any,

1652. to assist him in the execution of his office : and the administration of his office shall extend to all places within the lymets of this goverment, &c.

3 June.

[BRADFORD,
GOVERNOR.]

The Office of the Vnder Marshall, wherin his Oath is included.

That hee bee redly to attend the Generall Courts and Courts of Asistants, and to doe such service as shalbee comāunded him by the Goſſ, or any of his Asistants, and shall reddily execute and inflicte all such sensures and punishments as by authoritie of this p̄sent goverment shalbee adjudged to bee inflicted vpon any delinquents and offenders, according to the nature of all such warrants and mandaits as shalbee directed to him, without favor or partiality to any p̄son ; and shall faithfully and safely, as vnderkeeper, or vnder marshall, keepe all such delinquents, and malefactors, and fellons as shalbee com̄ited vnto him ; and shall take onely his ordinary fees allowed, without exaction vpon any, &c.

4 June.

*June the 4th.

[*10.]

Leiftenant Samuell Nash was chosen and approued by the Court to serue in the office of cheife marshall, according to the extent of the said office already entered, and is to haue for his wages 20 marke p̄ annum, besides his ordinary fees allowed by the Court.

The Fees of the Cheife Marshall, allowed by y^e Court.

| | |
|---|--------------|
| Iſ, for serueing an execution, | 00 : 05 : 00 |
| Iſ, for his journey about it, 2 ^d p̄ mile. | |
| Iſ, for serueing an attachment, | 00 : 02 : 06 |
| Iſ, for a com̄itment, | 00 : 02 : 06 |
| Iſ, for euery action that is entered, | 00 : 00 : 06 |
| Iſ, all the oñ halfe of all fines not exceeding | 00 : 06 : 00 |

Att the same Court as aforesaid, Thomas Sauory is ended with by the Court to serue in the office of vnder marshall, or executioner, according to the termes and nature of his said office already entered, and is to haue 20 nobles p̄ annum, besides his ordinary fees allowed by the Court.

**Att the 2^{cond} Session of the Generall Court, holden att New Plym̄,* 1652.
the 29 of June, 1652.

BEFORE Wiltam Bradford, gen^t, Gr, Timothy Hatherley,
 Thomas Prence, John Browne, and
 Captaine Miles Standish, John Alden,
 Gen^t, Assistants.

29 June.
 [BRADFORD,
 GOVERNOR.]
 [*11.]

WHERAS complaint is made that the lower way betwixt Sandwidḡ and Barnstable is enterupted and hindered, the Court haue ordered, that M^r Prence or Captaine Standish, as soone as conveniently they can, shall haue power to impannell a jury to lay the said way out as conveniently as they can for the vse of the countrey, vnles̄ the towne of Barnstable will of themselues allow it for a common hieway.

M^r Cottingtons letter, in way of complaint against Wiltam Sabin, haueing been read and considered in the Court, the said Wiltam Sabin saith that hee hath been with M^r Cottington sence M^r Browne did speake with him, and saith M^r Cottington said hee was satisfied, and was not soe much offended with him as others were. The Court haue ordered the said Sabin psonally to appear att the next Generall Court, and gine in vnder M^r Cottingtons hand that hee is satisfied about the speeches the said Sabin spake that conserved him, or bee reddy to answare his further complaint.

The Court haue appointed Captaine Standish to take some speedy course with so^m workmen to mend the bridge att Joanes Riuer, and if workmen will not bee procured to worke att it willingly, hee hath power heerby to presse men to worke theratt.

The Court haue appointed M^r Browne to impannell a jury forthwith, to lay out a way betwixt Taunton and Plymouth.

Concerning the difference betwixt the jurisdictions of the Massachusetts and Plymouth about the lands that hath been in difference betwixt the Massachusetts & vs att Conahassett, the Court haue refered the determinacōn therof vnto the com̄issioners att their next meeting, according to the articles of confederacōn

Wheras there hath been a purchase of land made by so^m of the inhabitants of Scittuate of Josiah Wampatuek, an Indian sagamore, forasmuch as they haue bought nothing but what was formerly graunted by the Court, the said Court haue remited what might bee a breach of order therein.

The Court are willing and doe agree to sett and lett y^e trade at Keⁿebeck

1652.

29 June.
[BRADFORD,
GOVERNOR.]

to those that formerly hade yt, on such tearmes as they formerly had yt, if the rest of the p'teners not p'sent bee willing, for three yeares, or soe long therof as they shall stay in the gouernment; but if they, or any of them, doe depart out of it before the said tearme bee expired, they are then to leaue yt.

[*12.]

*The Court haue ordered, that the summe of forty pounds promised and engaged to bee paied to M^r Collyare, that which remaines of yt vnpaied by each towne according to their proportions shalbee paid, and this to bee directed to the seuerall townes, that they make paiement therof into the hands of the Treasurer according to this order.

These are the seuerall summes due to the said M^r Collyare from the seuerall townes, according to that which is aboue expressed.

| | £ | s | d |
|-------------|----|----|----|
| Plym̄, | 04 | 04 | 00 |
| Duxburrow, | 03 | 06 | 08 |
| Scittuate, | 06 | 00 | 00 |
| Sandwidge, | 04 | 06 | 08 |
| Taunton, | 03 | 06 | 08 |
| Yarmouth, | 03 | 06 | 08 |
| Barnstable, | 03 | 10 | 00 |
| Marshfeild, | 03 | 06 | 08 |
| Rehoboth, | 05 | 14 | 04 |
| Eastham, | 02 | 13 | 04 |

Wheras a petition is now againe preferred vnto the Court from Scittuate about military officers, the Court doe approue of and appoint M^r James Cudworth for captaine of the military company of Scittuate, and M^r John Varsell for leiftenant, and of M^r Joseph Tilden to bee ensigne of the said companie.

The Court haue agreed with Captaine Standish about the house that was M^r Hopkinses, in which hee is to see that a convenient place bee made to keepe the common stocke of powder and shott, and the countrie to make other vse therof as they shall haue occasion for the meetings of the comitties & juryes and other such like vses; and it is to bee repaired att the countryes charge, provided, that when the owners doe make vse therof, they are to make satisfaction for the repairing therof.

A quietus est
granted to
Edmond West-
ton.

Att this Court, Edmond Weston, of Duxburrow, was discharged, acquitted, and released from all bonds, debts, dues, and demaunds that might bee required of him as administrator vpon the estate of Thomas Howell, deceased, haueing giuen in his accounts and proceedings vnto the Court of his said administratorshipp.

An execution graunted to M^r Wiltam Alford, of Boston, against Captaine Nathaniell Thomas, for seauen pound dammage and charges.

L^{tes} of administration are graunted vnto Mary Ewer to adminester vpon the estate of John Ewer, deceased.

M^r Anthony Thacher is allowed and appointed by the Court to adminester the ordinance of marriage at Yarmouth as occation shall require.

*It is ordered,—


And the Captaine Standish or M^r Prence are authorised to impannell and indifferent jurey out of the 4 townes, videleçt, Sandwidge, Barnstable, Yarmouth, and Eastham, to lay out the convenientest waie from Sandwidge to Plymouth for a countrey way as speedily as may bee donn.

July the twenty-sixt, 1652.

Wee whose names are vnderwritten, being summoned by M^r Bradford, Gouverner, on an enquest to make enquiry how Robert Wille, alias Willis, soñtimes of Milbrooke, in the countey of Cornwall, and sence belonging to Winter Harboure, at Saco, in New England, came by his sudden death; and the body of the said Wille, alias Willis, being brought on shore and by vs viewed, and finding noe wound about him which might cause his death, and haucing alsoe made all due enquiry about the p^mises, declare that wee find as followeth: videlecet, that the said Robert Wille, alias Willis, being vp the greatest p^{te} of the night att the house of James Cole, of Plym, with other fishermen and soñ of the said towne of Plymouth, and haueing drunke beer and stronge waters, and, almost at the break of the day, goeing on board the boate to which hee belonged to goe out on fishing, and being in the stern of the said boate, and assaying to thurst the said boate of from another boate that was by her, or endeauoring to hange his rudder, hee fell ouer board in to the water, and soe †was drowned† ended his life.

Witnes our hands,

GYLES RICKARD,
Leifteñ THO: SOUTHWORTH,
THOMAS CLARKE,
THOMAS POPE,
JOSHUA PRAT,
SAMUELL HICKES,
JOHN MORTON,
NATHANIELL WARREN,
ANDREW RINGE,
HENERY WOOD,
JOHN WOOD,

The mark  of HENERY ATKESON.

1652.

29 June.
BRADFORD,
Go^l.

[*13.]

26 July.

1652.

The note of the particulars which wee find belonging to the said Robert Wille,
 alias Willis.

26 July.
 BRADFORD,
 Gov.

It, a pcell of old clothes, vallued 01 : 10 : 00
 It, the fourth pte of six barrells of mackerell.

3 September.
 [*14.]

*September the 3^d, 1652.

Wee whose names are vnderwritten, being summoned on an enquest by
 Captaine Miles Standish, to make enquiry about the manner of the sudden
 death of James Glasse, declare that wee find as followeth : —

Videlecet, that the day of the date heerof, in the morning, it being very
 stormy weather, riding att the Gurnetsnose, before the mouth of Plymouth
 Harbour, in a boate to which hee belonged, they were forced thence by the
 stresse of weather, and were forced on shore on backside of the beach ; and
 coming neare the shore, the surges being violent, hee was beaten of the fore
 enddey of the said boate into the water, and soe ended his life ; and his body
 was found dead and taken vp driving near the place. And wee further de-
 clare, that haucing all viewed his body, wee found noe wound or other cause
 that might occasion his death.

Witnes our hands,

JOHN DUNHAM, Señ.
 THOMAS SOUTHWORTH.
 GORGE WATSON,
 THOMAS CLARKE,

The mark of **T** THOMAS WHITNEY,
 EPHRAIM MORTON,
 SAMUELL HICKES,
 SAMUELL DUNHAM,

The marke **2** of JOHN SMITH,
 JOHN BOWER,
 JAMES SHAWE,

The marke **HH** of JOHN HEWARD.

The time of the charge of the maiestrates table begins yearly June the
 first from the yeare 1651.

Att the 2^{cond} session of the Generall Court, holden att Plymouth the
 29 of June, 1652, Nathaniell Morton was sworn to the office of the clarke
 of the Court, the tenure of whose office and oath is faithfully to record
 all such things as shalbee committed vnto him by lawfull authoritie to bee
 recorded or enrowled ; 2^{condly}, to keepe all such secrets of the Court of Maies-

trates as shal bee lawfull or requisite soe to bee kepte, and to attend att courts, and to pform such other services as ocation shall require behooffull to the place and office.

1652.

3 September.
BRADFORD,
Goꝝ.

**Att the Generall Court holden at New Plymouth, the fift of October, 1652.*

5 October.
[*15.]

BEFOR Wllam Bradfōd, gen^r, Goſi,
Miles Standish and Timothy Hatherley, Gen^r, Assistants.

PRESENTMENTS by the grand enquest : —

Wee p̄sent William Hedge, of Yarmouth, for selling wine and strong waters without lycence.

Wee present the townships of Plymouth and Duxburrow for not repairing of Joanses Riuer bridge.

Wee p̄sent the towne of Scittuate for not repairing the South Riuer bridge.

Wee p̄sent the survayors of Plymouth for neglecting to mend the high wayes.

Wee p̄sent James Cole, of Plymouth, for entertaining townsmen in his house, contrary to order of Court. Acquited.

Wee p̄sent Thomas Clarke and John Moses, of Plymouth, for staying and drinking at James Coles, contrary to order of Court. Acquited.

Att the Court abouemencioned open proclamaçōn was made, that if any could lay any just claime vnto any p̄te of the estate of Ephraim Kemton, deceased, they might come in and bee heard ; but none appecred for that purpose ; whervpon the Court graunted a quietus est vnto Mannasses Kemton and Ephraim Kemton, Junier, who were bound vnto the Court to giue in a true account, vpon demaund, of their administratorshipp concerninge the said estate vnto the said Court.

The Court doth allow and approue of Matthew Fuller for leiftenant, and of Barnard Lumbert for ensigne bearer, of the millitary company of Barnstable.

The Names of those whom the Treasurer hath appointed to receiue the Oyle for the Country.

For Eastham, M^r Prence.

For Yarmouth, M^r Howes.

1652.

5 October.

BRADFORD,
Gov.

[*16.]

For Barnstable, John Chipman.

For Sandwidge, Richard Bourne.

*Christopher Winter being suspected fraudulently to haue cutt a coult, that soe the right owner therof might nott bee knowne, for which the said Winter standeth bound vnto the Court in the summe of twenty pound.

The condiçõn, that if the said Christopher Winter doe psonally appeer att the Generall Court to bee holden at Plymouth the first Tusday in March next, and bee reddy to answare vnto what shall bee farther enquired of him by the Court concerning the said coult, and not departe the said Court without lycence; that then, &c.

The oath of Rachell Ramsden concerning the said Coult.

Rachell Ramsden, aged twenty-six years or therabouts, being deposed, saith that shee heard Goodwife Eaton say that Christopher Winter and Samuell Eaton were together on Munday last; and that shee heard her husband say that hee bid Goodman Winter not deny that hee had cut the coult, the said Winter being angry that hee should soe speake; "for," said hee, "it is true, Goodman Winter; for I was with you att worke then, and saw it."

Samuell Eaton, aged 32 years or therabouts, being deposed, saith that Goodman Winter said the coult was cutt, and tould him hee knew who cutt him.

The Court doe request and appoynt M^r Hatherley to make enquiry concerning a stray steere which is at Thomas Tildens, at the North Riuer, in the bounds of Marshfeild, which steer M^{rs} Richards layeth claime vnto, and to vse his best endeavor to find out whether hee bee hers or noe; and incase the right owner can bee found, and will pay the charges of his keeping, that then hee cause him to bee deliuered vnto them.

Wheras a petition was prefered to the Court by John Hoare concerning the lands att Conahassett sold by M^r Hatherley vnto sundry psons of Scittuate, which the Court haueing heard and considered of, haue ordered and doe request M^r Hatherley to signify vnto those whom it concernes that the Court doth heerby require them either to come to an equall deuision of the said lands, according to the deed, or to returne a reason vnto the Court wherfore they doe not at the next Generall Court; vnles the p^{ties} shall see reason and shalbee willing to issue it by refering it vnto so^m indifferent men, that they, together with John Hoare, shall thinke meete by joynt consent to refer it vnto; the which latter wee desire may bee, as thinking it the best way to end the difference about it.

*The Rates of the seuerall Townes within this Jurisdiction for the Officers

1652.

Wages.

| | |
|-------------------------------|--------------|
| Plymouth, | 03 : 14 : 00 |
| Duxburrow, | 03 : 07 : 04 |
| Scituate, | 06 : 01 : 00 |
| Sandwidge, | 03 : 07 : 04 |
| Taunton, | 03 : 07 : 04 |
| Yarmouth, | 02 : 17 : 04 |
| Barnstable, | 03 : 14 : 00 |
| Marshfeild, | 02 : 17 : 04 |
| Rehoboth, | 05 : 01 : 00 |
| Eastham, | 02 : 14 : 00 |
| Sowams, | 01 : 10 : 00 |
| Dartmouth is to pay | 02 : 00 : 00 |

40 : 10 : 8

5 October.
BRADFORD,
Gov.
[*17.]

Wheras a petition was prefered by Robert Bartlet vnto the Court holden att Plymouth the 7th of October, 1652, therin requesting that wheras sundry speeches haue passed from soñ who pretend themselues to bee the sole and right heires vnto the lands on which the said Robert Bartlet now liueth, at the Eelriuer, in the townshipp of Plymouth, which hee, the said Robert, had bestowed on him by his mother in law, M^{is} Elizabeth Warren, in marriage with her daughter; by which said speeches and passages the said Robert hath ben dishartened in his proceeding either in building, fencing, &c; the Court haueing taken the p̄mises into serivs consideraçõn, and haueing serched what the Court hath vpon record extant, and what could bee manifested vpon memory by those that then were cheife and had speciall hand in carying on and menageing the former affaires of the countrey, and doc therby find that M^{is} Elizabeth Warren, who gaue the said lands vnto the said Robert and others in like condicion, had power soe to doe, as being by an order of Court bearing date March the 7th, 1637, and other actes of Court before, envested into the state and condiçõn of a purchaser, as in the said order is expressed; the said Court doth by these presents, therefore, further ratify and confirme the aforesaid actes of Court wherby the said Elizabeth Warren is declared to haue right to dispose of the aforesaid lands, approueing and allowing of the aboue-said gift of land vnto the said Robert Bartlet and others in like condiçõn with him, to bee valled to his and their heires and assignes for euer.

1652.

7 December.
[BRADFORD,
GOVERNOR.]
[*18.]

**Att a Court of Assistants holden at New Plymouth the 7th of
December, 1652.*

BEFORE Wīllam Bradford, gen^r, Gou^r, John Alden, and
Miles Standish, Thomas Willett,
Timothy Hatherley,
Gen^r, Assistants.

WHERAS there is a beast tendered vpon specialtie from the estate of Edward Hall, and that the said beast is attached, which attachment is vntell the next March Court, and the said beast was to bee deliuered by the specialtie the twenty-fift of this p̄sent month; the Court doth order Constant Southworth to take order for the wintering of the said beast, and for what dammage may come either by the lose of the beast or the charge of the wintering, to bee payable from the estate of the said Hall vntell it bee orderly tryed; and the said beast, when shee is deliuered, is to bee vallued by two indifferent men.

Wheras Wīllam Brett hath formerly sold an house and land vnto Edward Hall, and that it doth appeer that there is not any record of the sale therof extant, the Court doth giue leaue vnto and order the said Brett to take possession of the said house and lands againe.

Wheras att the Court held att New Plymouth Junc the fourth, 1652, a suit was comēced by the inhabitants of the Eelriuer against the townes of Sandwidge, Yarmouth, and Barnstable, for not building a bridge ouer the said riuer, according to order of Court; the jurye then finding for the plaintifes, and assessed twenty pound dammage and the charges of the Court; and the bridḡ now ouer the said riuer to bee to the cōntries vse, judgment being then alsoe graunted by the Court according to the verdict; and wheras a review of the said suite at the said Court was alsoe graunted vnto the agents of the abouesaid townes, whervpon, as hoping alsoe the said townes and p̄ties in difference would seasonably compound the said differences about the p̄mises, execution hath been stayed; but forasmuch as nothing hath hetherto been donn either by composition or further proceecution of the review graunted, —

The Court doth therefore order, that incase the said townes doe not come to composition with the abouesaid plaintifes betwixt this p̄sent day, being the 7th of December, 1652, and the Generall Court to bee holden at Plymouth

aforesaid the first Tuesday in March next, that then execution shalbee graunted vnto the abovesaid inhabitants of the Eclriuer to recouer by destraint what the jurye as abonesaid hath awarded.

1652.

7 December.
[BRADFORD,
GOVERNOR.]

**Att a Generall Court holden at Plymouth the first of March, 1652.* 1652-3.

BEFORE William Bradford, gen^t, Gov^r,
Thomas Prence,
Miles Standish,
Timothy Hatherley,
Gen^t, Asistants.

John Browne,
John Alden, and
Thomas Willet,

1 March.
[*19.]

WHERAS Edward Hall is departed the gouernment, endebted vnto diuers men much more than his estate will amount vnto and satisfy, the Court, haueing seriously considered of the p^rmisses, doe order that the estate shalbee equally devided vnto such creditors as can make full proof of their debts proportionable to what is owing them from him, and that all such shall repaire vnto Cap^t Standish, M^r Alden, M^r Colliare, and Constant Southworth, of Duxburrow, betwixt this p^rsent day and the first of May next ensuing the date heerof; the said Cap^t Standish and the rest aboue expressed being those whom the Court haue deputed to haue the ouersight of the desposing of the said estate according as is aboue mensioned; and all such as shall neglect to come in and make claime of their debts by the time aboue prefixed shall lose their proportion of the aforesaid estate.

Wheras complaint is made that so^m of the naighbouring Indians of the towne of Rehoboth haue sustained great dammage in their corne by the horses and other cattle of the said towne, and that the grandiurymen of Rehoboth haue been by the Court enquired of about it, and they know nothing of yt, M^r Browne is requested and deputed by the Court to make enquiry of what dammage is donn them in that respect, and to see it satisfied; and that such fences may bee made and repaired as ought to bee for preventing of future dammage in that behalfe; and M^r Browne is allsoe deputed to make enquiry about the man that seteth strong waters at Providence.

The Court haue ordered Cap^t Standish and M^r Alden to provide portions out of the estate of Thomas Chillingsworth, deceased, for his children, and to take security in the Courts behalfe for the right desposing of the said

Captaine James Cudworth the summe of 20 : 00 : 00 1652-3.
 Thomas Clarke the summe of 20 : 00 : 00

1 March.
BRADFORD,
GOV.

The condicion, that if the said John Barnes bee of good behavior towards all mannor of psons, and appeer at the Generall Court to bee holden for this gouernment att Plymouth the first Tusday in June next, and not depart the said Court without lycence ; that then, &c.

Released paing
his fees.

*To saue harmles and vndamnified Captain Cudworth and Thomas Clarke from whatsoever dammage may come to them by John Barnes incase hee should breake his bonds for the good behavior, the whole estate of the said John Barnes doth heerby stand engaged to make good whatsoever dammage may come vnto the said p̄ties in that behalfe.

[*21.]

M^{is} Joane Barnes, for frequently slaundering and defameing the children of Captaine Willett and the daughter of Gorge Watson, shee was sentenced to sitt in the stockes during the Courts pleasure, and a paper wheron her facte written in capitall letters, to bee made fast vnto her hatt, or near vnto her, all the time of her sitting there ; all which was performed, according to the sentance.

Wheras wee haue intelligence out of our natiue country of danger that may bee towards vs in regard of the great varience betwixt the two nations of Holland and England, the Court haue ordered, that warrants bee directed to euery towne within the gouernment forthwith, to require them to make choise of two deputies for eich towne, to meet with the maiestrates att Plymouth on Wensday, the sixt of Aprill next, and with them to treat and conclude on such milletary affaires as through Gods blessing may probably tend to our p̄sent and future safety.

1653.

6 April.

April the sixt, 1653.

The Names of those that mett at Plymouth as Deputies for the seuerall Townes for the Ends aboue mentioned.

- | | | |
|------------|-----------|--|
| For Plym̄, | | Leiftenant Southworth, John Cooke. |
| Duxburrow, | | Constant Southworth, Leiftenant Nash. |
| Scittuate, | | Capt Cudworth, Sergiant Johnson. |
| Sandwidge, | | James Skiffe. |
| Taunton, | | Ensigne Purchase. |
| Yarmouth, | | Sergiant Rider, John Gorum. |

1653.

6 April.
BRADFORD,
Gov.

| | | |
|-----------------------|---|--|
| Barnstable, | { | Leiftenant Fuller, Sergiant Hinckley. |
| ‡Rehoboth, | | John Allen.‡ |
| Marshfeild, | { | Mr Josias Winslow, Mr John Bradford. |
| Rehoboth, | { | John Allen, Peeter Hunt. |
| Eastham, | { | Mr John Doane, Richard Sparrow. |

The milletary orders agreed on and concluded are as followeth in the next pages.

[*22.]

*First, that the summe of fifty pounds bee raised of the severall townes within the gouernment, according to their proportions in other rates, in such pay as will answere for our ptes, of the powder and shott, armes and lockes sent out of England, to bee redde against such time as we shalbee required to answere for yt, and that the said powder and shott, &c, be receiued and kept for the p̄sent att Cap̄t Willets and Mr Paddyes warehouse att Boston.

The Court haue ordered, that noe pson within this gouernment shall transport any provisions, or suffer any to bee transported, to either Duch, French, or other strangers, without lycence from the Gov̄, or two or three of the Asistants, on paine of forfeiting twice the vallue of the worth therof.

That the milletary officers of euery companie shall p̄sent the defects of the armes of their companies at the next Court of Asistants.

That a milletary watch in euery towne bee continued vntill further order to the contrary.

That all men, though aboute the age of sixty, bee required, either by finding a sufficient man, or in their owne psons, to watch according to order, as shalbee agreed vpon in each towne, excepting such as through both age and poerty are disabled, and that such widdowes as haue estates beare their pte by finding one to watch according to their proportions.

The Court recomēd to euery towne to provide soñ place or places to retreat vnto, that thether they may bring their wiues and children in time of eminent danger, for their better securitie.

That euery towne that shalbee defectiue in the want of a drumm att any time for the space of two monthes shall forfeite the summe of forty shillings to the collonies vse.

That shalbee defectiue in coullers the space of six months, foure pounds.

That a considerable companie of halfe pikes bee provided in euery towne, att the charge of the townshipp, videlect, wheř 80 men are able to beare

armes, theire twenty to bee prouided, and soe proportionable to theire number, bee they greater or lesser.

1653.

That euery towne prouide halberts for the sergiants of theire milletary companie.

6 April.
[BRADFORD,
GOVERNOR.]

*That euery towne that hath aboute fifty men bearing armes shall haue powder answerable to a barrell for euery fifty men, and soc bullets proportionable therunto.

[*23.]

That noe man make an allarum without apparent danger. That incase one gun bee shott of in the night, whiles the milletary watch is kept within any towneshipp, yt shalbee taken as an allarum to the said towne, and answered by any man that shall heare the same.

That three guns, or continued shooting, or the beat of a drumm, in the night shalbee an allarum, to bee taken from towne to towne.

That incase any towne shalbee distressed by reall assault vpon them, such towne as haue a certaine intelligence therof shall affoord releife.

That all such as are chosen clarke of any milletary companie shalbee sworne; and any that shall refuse to serue as clark for one yeare to bee fined twenty shillings, and hee that is next chosen and serues to haue the said summe.

That one third of euery milletary companie shall bring theire armes, with powder and shott, to the meetings on the Lords day, both forenoone and afternoone, on paine of forfeiting, for euery one that shall neglect, two shillings and six pence for euery default, and such fines to belong to theire companie; and this order to stand in force vntill further order to the contrary.

The Court allow, and in the behalfe of the countrey doe engage to provide the summe of thirty pound in good and currant countrey pay for to hier a guard for the Goŭrs pson, and yt is refered vnto Cap^t Willet and Leiftenant Southworth to hier such as may be fitt for such employment.

These psons vnderwritt stand engaged vnto Captaine Willett and Leiftenant Southworth, to make good the said summe of thirty pounds, according to their proportions in the behalfe of theire seuerall townshippes.

The co^mitties of Plymouth engage for theire towne.

The co^mitties of Duxburrow for theire towne.

M^r Hatherley for Scittuate.

James Skiffe for Sandwidge.

Ensigne Purchase for Taunton.

The co^mitties of Yarmouth for theire towne.

The co^mitties of Barnstable for theire towne.

The co^mitties of Marshfeild for theire towne.

1653.

6 April.
[BRADFORD,
GOVERNOR.]

[*24.]

The comitties of Rehoboth for their towne.

The comitties of Eastham for their towne.

*In regard of the many appeerances of danger towards the countrey by enimies, and the great nessesitie of counsell and aduise in that respect, the Court thought yt meet to make choise of a counsell of warr, which accordingly were forthwith orderly elected.

Theire names are as followeth : —

These were
confeirmed to
serue in the
same place for
another yeare,
M^r Collyare
and M^r John
Winslow added
to them.

M^r Bradford, President.

M^r Prence,

Cap^t Standish,

M^r Hatherley,

M^r Browne,

M^r Alden,

Cap^t Willett,

Cap^t Cudworth,

Leif^t Southworth.

These nine, or any three of them, being orderly called together, their acte to be accounted in force, and they to bee continued in their places vntill the next June Court coñ twelue month. To bee orderly called, is ment being summoned by the president or his deputie ; or incase of their absence, any two maiestates of the counsell of warr.

That the counsell of warr shall haue full power to yssue out warrants to presse such a number of men in euery towne as by proportion the said towne is to sett forth ; and alsoe to yssue forth warrants to the said townes for armes and provission, and all things nessesary for them, and what charges shall arise, to bee leuied on each towne, proportionably as other publicke rates, and to giue comission to any cheife officer vnder their charges, either in time of peace or warr.

If, by any ordering hand of Gods providence, such as are chosen comissioners are hindered that they can not appeer att the day appointed vntell a day or two after, the Court declare their minds to bee, that notwithstanding they may acte, and their actes in such case to bee accounted valled and of force.

In case both the comissioners bee p^sent at the next meeting att Boston, and doe not both sitt, then the Courts mind is, that neither of them shall acte.

Leif^t Fuller. Sergiant Johnson, and John Allen, of Rehoboth, haue taken the oath of fidellitie to the gouernment this Court.

Constant Southworth is freed from being ensigne bearer of the millitary companie of Duxburrow.

Leif^t Wyate and Wil^tam Newland both fined according to order for non appeerance, being chosen deputies.

Memorand : that Leif^t White bee warned to appeere att the June Court, to answare for his neglect in not conuaying notice of danger.

**Att the Court of Asistants holden att Plymouth the 3^d of May, 1653.* 1653.

BEFORE Cap^t Myles Standish, deputed, in the absence of the Gouvernor, to bee in his place, and John Alden, and Thomas Willett, gen^r, Asistants.

3 May.
BRADFORD,
GOV.
[*25.]

CONCERNING the difference betwixt Cap^t Standish and Joseph Beedle about a debt of twenty bushells of Indian corn due to the estate of Henery Drayton, deceased, the Court doth order, that the said Joseph Beedle shall forthwith make paiment therof vnto Cap^t Standish, according to engagement.

A neager maide seruant of John Barnes, att this Court accused John Smith, Sen^r, of Ply^m, for receiuing tobacco and other things of her which were her said masters, att sundry times, in a purloineing way. The Court heard what could bee said on both sides, and because sufficient testimony could not bee att p^rsent produced for the clearing of the case, it was ordered, that the said p^rties should attend the next Court of Assistants for further hearing, and then produce what testimony they haue for the clearing therof.

Vpon occation of the difference betwixt the said neager and the said John Smith, the said Smith accused John Barnes in open Court, and said that Samuell Dunham said, att the house of Gorge Watson, on Tusday last past, before the date heerof, that there was soe much liquore drunke att the house of John Rickard the same day, wherof John Barnes dranke soe much as hee coming into the house of the said Samuell Dunham, and assaying to drinke a pipe of tobacco, hee filled his pipe and could not light it, and that he should in a threatening way say hee had two rodds in pise for him and Goodwife Whitney.

*May the 3^d. Whereas by order of Court, bearing date March 4th, 1652, Cap^t Miles Standish, M^r John Alden, M^r Wil^lam Collyare, and M^r Thomas Dexter, Senior, or any three of them, were com^omissionated by the said Court, that incase such as haue their seuerall allotments of land vndeuided att Conahassett should neglect to bring the bounds of their seuerall allotments to the p^rsons first chosen and appointed to record those lands within eighteene daies next after the day of the date of the aforsaid order, to see the thing done with the first conveniency, which bounds of the said lands haue not hetherto been either brought or recorded; this Court doth therefore require that all those whoe are concerned in the aforsaid business doe giue meeting at Scittuate vnto the aforsaid p^rsons soe com^omissionated as aforsaid the 25^t of this p^rsent month, that the said busines about the said land may bee issued according to order.

3 May.
[*26.]

1653.

3 May.
BRADFORD,
Gov.

Wheras the jury hath gone vpon the bodyes of John Barker and John Browing, wee find that these men came by their death by the casualty of the sea, and by noe otherway, by our best apprehencions, December the 14th, 1652.

The juries names that viewed the dead bodies of the abouesaid men were, —

Kenelme Winslow,

| | |
|------------------|------------------|
| Robert Caruer, | John Bourne, |
| John Dingley, | Ralph Chapman, |
| Joseph Beedle, | Jeremiah Burrow, |
| Edmond Hinksman, | John Granger, |
| Moris Truant, | Joseph Roese, |
| John Hewes, | Robert Barker. |

*Presentments by the Grand Enquest.

Richard Tem-
plar, being
found to bee a
seruant to an-
other att this
time, was en-
ioyned to pay
according to
order in that
case prouided.

Wee present Richard Templer, of Yarmouth, for stealing certaine caggs of oysters from Wiltam Nicolson, of Yarmouth.

Wee present Richard Templer aforesaid, for stealing of a lock of gunn from Isacke Wells, of Barnstable.

Wee present Alice Berry, of Yarmouth, for stealing of an neckcloth from Wiltam Pearce his wife, of Yarmouth.

Cleared. Wee present Francis Baker, of Yarmouth, for retailing of wine contrary to order of Court.

Wee present for want of a paire of stockes and a whipping post.

Wee present the townshipp of Duxburrow for want of a pound, a paire of stockes, and a whipping post.

Wee present the townshipp of Marshfeild for want of a pound, and a paire of stockes, and a whipping post.

[*27.]

*The counsell of warr mett att Plymouth, on the 12th of May, 1653, videlectt, M^r Thomas Prence, presedent, Cap^t Myles Standish, M^r Timothy Hatherley, M^r John Alden, Cap^t Thomas Willett, Cap^t James Cudworth, and Leiftenant Thomas Southworth.

Haucing receiued intelligence from the comissioners mett att Boston, of their agitations about and concerning a warr with the Duch in these ptes of America, and serivly weyinge and deliberating vpon such ground and reasons, with their cercomstances as by the said comissioners haue been propounded enduceing therunto, they came to these conclusions following : —

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Gov.

Videlecett, that whatsoever shalbee vndertaken or donn in, aboute, or consarning the said warr, or any thing condeuceing therunto shalbe acted and goe forth in the name and by the authoritie of the state of England.

2^{condly}. That in case there shalbee a concurrence of the other jurisdictions with vs heerin, viz^s, all things acted in and aboute the p̄mises, shalbee acted, vnder God, in the name of the state of England as aforesaid; and that vpon returne of the messengers sent by the cōmissioners to the Munhatoes, or other certaine intelligence, further grounds and reasons shall appeer to bee of weight nessesitating a warr with the said Duch, they will bee in a reddines, through the healp of *of* God, to assist and engage therinn according to their proportions and vtmost abillities.

And for that end and purpose preperaçõn was made as followeth:—

Warrants were issued out, in the name of the state of England, for the pressing of the number of sixty men, able and fitt for warr, if need shall require, which number was to bee taken out of the seuerall townes within this jurisdiction according to their proportions, viz^s:—

| | |
|------------------------------|-------------------------|
| Out of Plymouth, 7 | Yarmouth, 6 |
| Duxburrow, 6 | Barnstable, 6 |
| Scittuate, 9 | Marshfeild, 6 |
| Sandwidge, 6 | Rehoboth, 6 |
| Taunton, 5 | Eastham, 3 |

The constables of the seuerall townes were ordered, by the warrants directed vnto them, to haue these proportions of men in a reddines, and to giue notice vnto their seuerall townes to provide sufficient armes for euery man that shalbee pressed out of their seuerall townes as aforesaid.

The cōmaunders chosen and appointed to goe forth on the said expedition, incase there shalbee occation are Cap^t Myles Standish for captaine, Leiftenant Thomas Southworth for leiftenant, and Hezekiah Hoare, of Taunton, for ensigne.

*An order was alsoe passed, in the name of the state of England, for to prohibbite the transporting of any prouisions out of the jurisdiction, either corn, biskett, beefe, porke, cheese, butter, &c, without lycenc from two maiestrates, on paine of forfeiting the whole, the one halfe to the enformer, and the other halfe to the collonies vse; and this order to stand in force vntell further order to the contrary.

Moreouer two barkqes were alsoe pressed to attend the expedition aforesaid, videlecett, the barkqe in which Gorge Watson sayleth, together with him the m^r therof, and John Smith, Junior, of Plyñ, and Joseph Green, with all things belonging to the said barkqe, neessearie for the said expedition.

[*28.]

1653.

3 May.
BRADFORD,
Goũ.

In like manner the barkqe in which Richard Knowles sayleth, with him the master therof, was pressed for the same purpose, with John Younge and Willam Walker, and all things nessearie for their vse belonging to the said barkqe.

Memorand: that a query bee made vnto the next Court whether such p̄sons as are pressed to goe forth as souldiers on publicke service, &c, their estates shalbee lyable to bee rated, notwithstanding, towards the paiement of their wages or not.

7 June.
[*29.]

**Att the Generall Court of Election holden att New Plymouth the seauenth of June, 1653.*

BEFORE Willam Bradford, gentleman, Goũ, and John Browne,
Thomas Prence, John Alden, and
Myles Standish, Thomas Willett,
Timothy Hatherley,
Gentlemen, Assistants, &c.

M^R WILLAM BRADFORD elected Goũ, and sworne, and hath liberty graunted him to choose a deputy in his rōme if hee should haue occasion to bee absent any p̄te of this yeare.

| | |
|---|----------------------------------|
| Mr Thomas Prence, | } chosen Assistants, and sworne. |
| Cap̄t Myles Standish, | |
| Mr Tymothy Hatherley, | |
| Mr John Browne, | |
| Mr John Alden, and Cap̄t Thomas Willett, | |

Leif̄ Thomas Southworth not sworne.

Mr Thomas Prence and Mr John Browne chosen com̄issioners for the following yeare, and Cap̄t Willett the next in nomination.

Cap̄t Standish chosen Treasurer.

Freemen admitted this Court, and sworne.

| | |
|-------------------|-----------------------|
| Mr Anthony Eames, | Richard Beare, |
| Marke Eames, | Samuell Arnold, |
| Austine Bearce, | Samuell Fuller, |
| Robert Studson, | John Williams, Jun̄i, |
| Edmond Weston, | Isack Chettenden, |

Leift Mathew Fuller,
Zacariah Soule,

Richard Sares.

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Goð.

The Names of such as stand propounded to take vp their Freedome.

| | |
|----------------------|----------------------|
| Hezekiah Hoare, | Abraham Sampson, |
| Gorge Macye, | James Naighbour, |
| ‡ Richard Paule, ‡ | John Scudder, |
| Wiltam Haruey, | Joseph Coleman, |
| John Jollop, | Nathaniell Warren, |
| ‡ John Soule, ‡ | Henery Attkines, |
| ‡ John Keith, ‡ | Wiltam Spooner, |
| John Bryant, | James Shawe, |
| Wiltam Randall, | James Tory, |
| Wiltam Harlow, | Thomas Lettice, |
| Wiltam Clarke, | Gyles Rickard, Junī, |
| Robert Barker, | Beniamine Bartlett, |
| Steuen Bryant, | Beniamine Pratt. |
| John Washburn, Junī, | |

*The Cunstabes of the seuerall Townes.

[*30.]

| | |
|-------------------|--|
| Plymouth, . . . | John Keith. |
| Duxborrow, . . . | { Abram Sampson, Thomas Haward, Junī. |
| Scittuate, . . . | { Joseph Coleman, Wiltam Randall. |
| Taunton, . . . | Wiltam Parker. |
| Yarmouth, . . . | Francis Baker, absent. |
| Barnstable, . . . | John Finney, absent. |
| Marshfeild, . . . | { Robert Latham, Richard Beare. |
| Sandwidge, . . . | Richard Chadwell, absent. |
| Rehoboth, . . . | Robert Martin. |
| Eastham, . . . | Thomas Payne. |

The Deputies of the seuerall Townes.

| | |
|------------------|--|
| Plym̄, | { Mr John Howland, Leifteñ Southworth, John Dunham, Senior, John Cooke. |
| Duxburrow, . . . | { Gor̄g Soule, Constant Southworth. |

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| | |
|---------------------|---|
| Scittuate, | { Thomas Byrd, Humphry Turner. |
| Sandwidge, | { Thomas Tupper, James Skiffe. |
| Taunton, | { Leiftenant Wyatt, Richard Williams. |
| Yarmouth, | { M ^r Thomas Howes, M ^r Edmond Hawes. |
| Barnstable, | { Anthony Anable, Nathaniell Bacon. |
| Marshfeild, | { Kanelme Winslow, M ^r Anthony Eames. |
| Rehoboth, | { M ^r Steuen Payne, M ^r Thomas Cooper. |
| Eastham, | { M ^r John Done, Richard Higgens. |

The Grandinquest.

| | |
|---|------------------------------------|
| Richard Sparrow, | John Scudder, |
| Austine Bearce, | Henery Attkins, |
| M ^r John Joyce, | Wiltam Harlow, |
| Henery Howland, | Samuell Sturtivant, |
| John Tisdall, | John Dillingham, |
| Daniell Winge, | John Washburne, Jun ^r . |
| Edward Perry, | Thomas Tilden, |
| John Williams, Jun ^r , | Wiltam Sabine, |
| John Bryant, | Joseph Pecke. |
| Samuell House and Gorge Masye, both absent. | |

The Survayors for the Hiewaies.

| | |
|----------------------------------|--|
| Plym th , | { John Moses, Christopher Winter, Thomas Morton. |
| Dux ^{bury} , | { Edmond Weston, Thomas Bonney. |
| Scittuate, | { John Hewes, Sen ^r , Ephraim Kemton. |
| Sand ^{wich} , | { M ^r Edward Dillingham, Richard Bourne. |

| | |
|---------------------|---|
| Taunton, | { John Cobb, Wiltam Phillips. |
| Yarmouth, | { M ^r Anthony Thacher, John Hall. |
| Barnstā, | { Henry Rowley, John Tompson. |
| Marshfeild, | { Robert Caruer, Wiltam Maycomber. |
| Rehoboth, | { Richard Bowin, James Redaway. |
| Eastham, | { Nicolas Snow, M ^r John Freeman. |

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*M^r Wiltam Collyare,
Cap^t Cudworth, and
Leiftenant Southworth,

{ together with some of the maiestrates, are appointed to view the writing lately sent out of the Bay, and compare it with the articles of confederacōn, and to giue in their thoughts about it vnto the Court they are to meet the first Tuesday in July next.

[*31.]

Cap^t Willett, Cap^t Cudworth, and Josias Winslow, Sen^r, were appointed to take the account of the Treasurer, which is as followeth: —

| | |
|--|---------------|
| Debts due to the collony, | 143 : 00 : 03 |
| Disbursed for the collony, | 050 : 04 : 06 |
| | <hr/> |
| Rests due to the collony, | 092 : 15 : 09 |
| More, Eastham oweth a barrell of oyle, | 002 : 00 : 00 |

Besides the stray steere as yett vndesposed of; alsoe the Kennebeck rents not meddled with nor accounted for.

THOMAS WILLETT,
JAMES CUDWORTH,
JOSIAS WINSLOW.

The sume of eight pounds is allowed by the Court vnto the Treasurer, in recompence for his trouble and paines hee hath had as being Treasurer.

The summe of fifty pounds due for our pte of the powder, shott, and armes lately come out of England, is answered out of the countreys stocke, all but that which remains due from the townes, according to their proportions, as followeth: —

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| | |
|-----------------------|---------------|
| Plymouth, | 01 : 17 : 00 |
| Duxburrow, | 01 : 13 : 00 |
| Scittuate, | 03 : 00 : 06 |
| Sandwidg̃, | 02 : 03 : 08 |
| Taunton, | 01 : 13 : 08 |
| Barnstable, | 01 : 17 : 00 |
| Yarmouth, | 01 : 13 : 00 |
| Marshfield, | 01 : 13 : 08 |
| Rehoboth, | 03 : 00 : 06 |
| Eastham, | 01 : 07 : 00. |

Ordered, that the five barrells of old powder, with five hundred waight of ledd, att the Treasurers, with ten guns, and ten swords, and twenty bealts, & ten lockes, all which are the countreys, shall equally bee devided to euery towne ; and Cap^t Willett and Leiftenant Southworth, or either of them, are to see them devided.

[*32.]

*Concerning a debt due to Captaine Willett and M^r Paddy, from Edward Hall, which is four pound and 4^s, the Court doth order, that when oath is made to the bill, it shalbee payable out of the said estate, according to the order provided in that behalfe.

In answare vnto two petitions prefered vnto the Court, the one by M^r Joseph Tilden and Steuen Tilden, and the other by Leiftenant Peregrine White, the Court haue ordered that M^r Hatherley, as soon as conveniently hee can, that hee impannell a jury to lay out a way for the said Joseph and Steuen Tilden, vnto the island commonly called Hatches Iland, and vnto the iland called Coopers Iland ; and alsoe a way between Leift^e White and M^r Hinksman, and alsoe seuerall wayes from naighbour to naighbour alonge by the sides of the North and South Riuer ; the said wayes to bee layed out with as much conveniency and as little p̃iudice as may bee.

Wheras vpon a former petition prefered vnto the Court by John Hoare, wherein hee complaineth of neglect of p̃formance of a Court order for the settling of the land alreddy devided att Conahassett to make way for a further deuission, and the Court doth find that through vnexpected ocations and feares of troubles this hath been neglected, therefore the Court doth heerby order and require them that were first appointed to record these seuerall allotments, or soe many of them as will bring in their bounds of the said allotments vnto them, that they forthwith record them, and returne the said records into the Court att the next Court of Assistants, that soe the Court may judge of the equality of it, and soe conserme the same ; and incase any p̃son

doe refuse to bring in their bounds to bee recorded and presented to the Court, that you returne their names vnto the next Court of Assistants, that soe their may bee an end of these contraversies.

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WILLIAM BRADFORD,
THOMAS PRENCE,
MYLES STANDISH,
JOHN BROWNE,
JOHN ALDEN,
THOMAS WILLETT.

Wheras there was a former order directed vnto you, Thomas Ensigne, bearing date March the 4th, 1652, enioyning you to returne vnto John Hoare the summe of thirty shillings, which was by him payed vnto your assignes by an occation of a mistake of the jury, and was rectified in open Court, these are therefore to signify vnto you, that on the complaint of John Hoare vnto the Court that you haue not returned it, they haue ordered you heerby either to giue him satisfaction forthwith, or to appeer personally att the next Court of Assistants, to bee holden att Plymouth the first Tusday in August next, to answare your said neglect heerin.

*The humble acknowledgment of William Barstow, of Scituate, made before the Court holden att Plymouth the 9th of June, 1653, is as followeth:—

9 June.

[*33.]

Wheras a suite hath been commenced against mee, the said William Barstow, by M^r Charles Chauncy, pastor of the church of Christ att Scituate, for slaundering him, the said M^r Chauncy, in saying that hee was the cause of the death of my brother, Gorge Barstow, late deceased; and alsoe in saying that hee, the said M^r Chauncy, sent his bulls abroad to the church att Cambridge, wherby my said brother was hindered from communion with the said church, which was the cause of my brothers death, through excessiue greife; in all which expressions and sayings I doe humbly and freely acknowledge that I haue donn the said M^r Chauncy manifest wronge, and that in all the abouesaid slanderus speeches and expressions I haue spoken both inconsiderately and vntreuly; and in speciall in saying approbriously that hee had sent forth his bulls, as is aboue expressed. I doe alsoe acknowledge that I haue wronged this honored Court in being an occation of trouble vnto them through my indiscretion. I ame likewise humbly thankfull vnto M^r Chauncy for his reddines to receiue soe reasonable a satisfaction, whoe might justly haue required what the law hath awarded mee to make good vnto him. I desire

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to take notice of euill agrevated, in not onely soe speaking against him as hee is an eminent Christian, but alsoe as hee is a minnister of Jesus Christ, soe as my fault therein reflecteth on Christ himselfe; and I shalbee reddey seasonably to acknowledg̃ what I now doe in the p̃mises att Scittuate in the open assembly, before M^r Chauncy, and att Boston, att such places, and before such persons as haue been hearers of the aforsaid slaunders speeches and vnjust accusations; and I desire that this sad experience of my aptnes to ofend God and his people may bee a motiue vnto mee to sett a better watch ouer my tongue and waies for the future; soe humbly requesting the p̃mises may giue satisfaction to all whom I haue offended, espetially vnto my reuerent frind, M^r Chauncy, whom next vnto God I haue most offended by my said vnbridled speeches, I humbly rest. In witsesse of the truth of what I haue spooken in the said premises, I haue subscribed my hand the day and yeare aboue written.

WILLAM BARSTOW.

[*34.]

Allice Berry sentenced, for this and other doings of like nature, sentenced to sit in the stocks for the space of an hour att Yarmouth in som publick place.

Cleared by payinge the fine.

*Presentments by the Grand Enquest.

Wee p̃sent Allice Berry, of Yarmouth, for goeing into the house of Samuell Arnold, and taking bacon and eggs when there was noe body att home.

Wee p̃sent Edward Holman, of Plymouth, for being drunke.

Wee p̃sent John Lewis, of Scittuate, for attempting the chastity of Lydia, the wife of Nathaniell Rawlins.

Wee p̃sent the towne of Scittuate for not keeping their pound in sufficient repaire.

Whereas wee haue enformacon of John Marchant, of Yarmouth, his attempting the chastety of Annis, the wife of Thomas Phillips, of the said towne, but haue not as yett oath of it, wee leaue it to the next jury to enquire after.

Wee p̃sent M^r Willam Leueridge, of Sandwidge, for chaunging a gun with an Indian, contrary to order of Court.

Wee p̃sent Gyles Rickard, Senior, of Plymouth, for laciuius carriages towards Mary, the daughter of Barnard Lumberd, of Barnstable.

Wee p̃sent the towne of Rehoboth for not choosing and p̃senting their mililitary officers to the Court, according to order.

Fines.

Willam Bassett, Senior, for neglecting to publish and make knowne an order directed to him from the counsell of warr, prohibiting provisions for being transported out of the collonie, is fined ten shillings.

Fined 50 shillings.

Leiftenant White, for neglecting to giue speedy notice of danger when order sent vnto him by a maicstrate to that purpose, and for not conuaying speedily a letter directed from the com̄issioners, videlecte, M^r Bradford and M^r Browne, the said Leiftenant White is fined fifteen shillings.

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Edward Holman, and Martha, the wife of Thomas Shriue, warned by the Court to keep out of the companie of each other, on p̄rill of suffering corporall punishment by whipping.

An order was likewise passed from the Court requiring that Teag Jones and Richard Berry, and others with them, bee caused to part their vnciuell liueing together, as they will answare it.

* Eres of adminnestration are graunted by the Court vnto Anna Barker, widdow, the late wife of John Barker, deccased, to adminnester vpon his estate; and shee hath giuen cecuritie vnto the Court to giue in an account of her said adminnestratorshipp when she shalbee therunto required; and John Williams, Junier, standeth bound vnto the Court with her for the same.

[*35.]

Furthermore, the said Anna Barker, widdow, doth by these p̄sents engage and giue vnto her three daughters, Anna, Debora, and Mary, the summe of ten pounds apeece, to bee paied vnto them when they are of the age of twenty one yeares; and as any of them shall come to bee of the said age, that then their said ten pounds shalbee deliuered vnto them in good and currant pay, or six monthes after the day of their marriage; and incase any of them die before they bee of the age of twenty one yeares or are married, that then the said summe of thirty pounds bee notwithstanding equally deuided amongst those of them that shall suruiue.

John Williams, Junier, is cleared of these engagements, and Abraham Blush standeth bound in his stead, as also appeereth by cecuritie giuen by him under hand and scale. Abraham Blush cleared of this engagement by paying the legacies heerin expressed.

Wheras Josias Cooke, late of Eastham, att the time of his marriage with Elizabeth, his wife, sōmtimes the wife of Steuen Dean, deccased, did engage to pay seuerall portions vnto the children of the said Steuen Deane, as appeereth vpon record, these are to testify and wisse that the said Josias Cooke came into the Court, and did make it appeer vnto the said Court that hee hath fully cleared, payed, and satisfied whatsoever was due vnto the children of the said Steuen Deane, or any of them, on that account and behalfe.

Wheras, by reason of age and weaknes, the widdow Hick, wife of the late deccased Thomas Hick, of Scittuate, cannot appeer in Court to make oath to the inventory of his estate, and for like reason, alsoe, the wisse of the will of the said Thomas Hicke cannot appeer in Court to make oath therunto, the Court haue ordered M^r Timothy Hatherley and M^r Thomas Robenson to take their oathes att home, and p̄sent them to the Court.

Wheras complaint is made of Thomas Brayman, of Taunton, that by

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reason of a distracted condition in which hee is, that both himselfe and wife are out of any employment which may conduce to their maintenance and subsistence, the Court have ordered, that such of the towne of Taunton whoe are deputed by the said towne to order the especiall affaires thereof shall despose of the said Brayman as they shall thinke meet for one in such condition, and that his wife bee putt forth to service, beinge younge and fit for the same, and havinge noe other way soe likely to procure her maintenance.

[*36.]

*The Court have ordered, that James Cole, the ordinary keeper of Plymouth, that his pay for what hee expendeth in keeping the ordinary shalbee payed in good and marchantable pay, either att Boston or Plymouth; and hee is to make such provisions of necessaries as shalbee requisite for the entertainment of strangers.

Joseph Laythorpe is allowed by the Court to keep an ordinary att Barnstable.

John Ellis approved by the Court to bee lieutenant off the milletary companie att Sandwidge.

Samuell Rider approved by the Court to bee lieutenant of the milletary companie of Yarmouth, and M^r William Hedge to bee ensigne bearer of the said companie.

Ordered, that the milletary watch, lately sett vp, bee layed downe and cease for the present.

Ordered, that all such as were pressed by warrants, issued out by the late counsell of warr, bee forthwith released.

A certaine contravercy betwixt John Barnes and Winnefred Whitney beinge refered vnto M^r Prence, M^r Browne, M^r Hatherley, Captaine Standish, M^r Alden, and Cap^t Willett, to heare and issue concerning the said John Barnes his affirming that the said Winnefred Whitney had testified three lyes in open Court, the said John Barnes, beinge not able to make prooffe of his accusation, hath acknowledged his fault in soe speaking, accordingly as hee did ingage to doe in case hee could not make prooffe thereof.

Wheras diuers complaints haue come vnto vs of great dammages that haue come vnto sundry men through badd caske made by some of the coopers of this jurisdiction,—

These are, therefore, to giue notice and require, that whatsoever caske shalbee made for the future within this jurisdiction for any liquide thinge, as oyle or tarr, &c, shalbee made sufficiently servicable for that end and purpose; and if they shall soe bee, that then the said coopers shalbee satisfied accordingly; and if after this order published, any shalbee found to make any such faulty caske, vpon due notice giuen thereof, they shalbee lyable to make good such dammages as shall come thereby.

**.Att a Court of Assistants holden att Plymouth the 2^{cond} of August, 1653.*

1653.
2 August.
BRADFORD,
GOV.
[*37.]

BEFORE Wiltam Bradford, gen^t, Gov^t, and
Timothy Hatherley and Thomas Willett,
Gentlemen, Assistants, &c.

WHERAS a contravercy depending betwixt John Smyth, Sen^r, of Plymth, and a neager maide servant of John Barnes, was refered, for want of clearer evidence, vnto this Court to bee ended; and accordingly whatsoever could bee said on either side was heard; and with admonission, both p^{ties} were cleared.

Vpon a complaint of John Phillips against Joseph Roes, for none paie-ment of a debt of six pound due vpon bill, an order was directed vnto M^r Alden as followeth: These are to request you, that wheras there is a debt due vnto Joseph Roes from John Browning, deceased, and that certaine goods of the said Brownings are in the custody of the cunstable of Marshfeild vn-disposed of, that you would take course that the said goods of the said Roes may bee equally denided betwixt the widdow Waterman and the said Joseph Roes; and that soe much as shalbee the p^{te} of the said Roes, that it bee deliuered vnto the said John Phillips, to answare p^{te} of the debt of the said Roes, accordingly as hee hath assigned it.

Robert Barker desired some course might bee taken for the laying out of the meddow allowed him att Namassakeesett, and was refered vnto those that were first deputed by the Court to doe it, according as it was ordered by the Court att the granting therof.

The relation of the death of Thomas Bradly, single man, of Portsmouth, in Road Island, whoe was found dead on the hieway towards the iland aforesaid, July 24, anno 1653, as followeth:—

Imprimis, the said Thomas came from Bridgwater to Taunton on July 23, by eight of the cloeke in the morning; and by nine of the clock following departed thence, in health, for ought was deserned.

Item, about two houres before sunsetting, on the same day, one John Smith, of Taunton, coming fromward the said island, mett the said Thomas on his reddy way toward the said island, near vnto the place wher hee was found dead, reeling toe and free as if hee had been drunken; of whom the

1653.

2 August.
BRADFORD,
Gov.

said John enquired how fare it was to Assonett, to which hee softly answered that hee could not tell; and when they were soñ space of ground asunder, the said John Smith saith that hee looked backe, and saw him fall downe and rise vp againe. Now, considering that the said Thomas was of body nimble and of a reddy and able speech in his common guise, and soe was that morning att Taunton aforesaid, wee doe conceive that his reeling toe and froe on the way, and his faintnes and scantnes of speech, came from weaknes, imoderate heat, and decay of his vitalls, as both his fall and his death neare vnto the place hath made it to appeer.

[*38.] *Item, on July 24, about 10 of the clocke in the forenoone, one Tobias, an Indian, dwelling neare to Namaskett, traelling from Road Island aforesaid, came to the place where the said Thomas lay; and seeing him ly in the way on his backe, with his hands on the other side of his brest, and supposing him to bee asleep, spake to him, and on his silence, moued him, by which pceiueing him to bee dead, and that froth and foame was on his lipps, hee went to the next plantation of Indians, and procured some of them to abide by the corpes, that the deuouring wild beasts of the woods should not prey on it, whiles hee conveyed tidings therof to the English att Taunton on the one side, and other Indians to Aquitneck on the other side. Whervpon the cunstable of Taunton procured two men to goe with the said Tobias by water vnto the place wher the dead corpe lay, whoe brought it vp to Taunton aforesaid; and the cunstable and some other inhabitants of Portsmouth aboue named came vp by water vnto Taunton aboue written, where by the cunstable 13 men were chosen, of both townes some, to view the said corpe, whose names are heer vnder written; whoe, vpon view and consideration, find that by extremity of heat the said Thomas was overcome, and soe perished by himselfe in the wilderness.

The names of the 13 chosen, as aboue mentioned, were, —

| | | |
|-----------------------|---|----------------------|
| | { | Robert Crosman, |
| | | James Bates, |
| | | Wiltam Hedges, |
| | | Richard Paule, |
| Of Taunton, | | Aron Knapp, |
| | | Clement Maxwell, |
| | | John Cobb, |
| | | Nathaniell Woodward, |
| | | Richard Stacy, |
| | | Edward Rew. |

Of Portsmouth, { Richard Cissell,
 { Samuell Wilson,
 { Thomas Cornhill.
 p me, WILLAM PARKER,
 Cunstable off Taunton.

1653.
 2 August.
 BRADFORD,
 Goſ.

**Att the Generall Court holden att New Plymouth the 4th of
 October, 1653.*

4 October.
 [*39.]

BEFORE Wilam Bradford, gen^r, Goſ, Timothy Hatherley,
 Thomas Prence, John Alden, and
 Miles Standish, Thomas Willett,
 Gentlemen, Asistant in gouernment, &c.

IN answare to a petition prefered vnto the Court by such as were pressed
 out of the towne of Scittuate to goe forth as souldiers, wherin they re-
 quested that such nessesarie charges for their diete during the time of their
 said presse, and such like expences, as alsoe for their losse of time and other
 hinderances in attendance on the said entended expedition, might bee defrayed,
 the Court ordered that forthwith course bee taken with those that are appoint-
 ed to order the affaires of the said towne that such charges as are found requi-
 site to bee defrayed in the aforesaid respectes bee answered and defrayed by
 the inhabitants of the said towne of Scittuate.

Vpon the request of M^r Dexter, Senior, it was ordered, that two men bee
 sent downe to Barnstable, whom the Court shall depute to sett att rights the
 linnes or ranges of such lands as are in contraversy betwixt him and the
 neighbours adiacent, vnlesse they shall agree about the same amongst them
 selues.

Presentments by the Grand Enquest.

The grand enquest to the honored Court as followeth, viz^t: —

Wee p^rsent John Marchant, of Yarmouth, for misdemeaning of himselfe Fined fifty shillings.
 in words and carriages with and towards Agnesse, the wife of Thomas
 Phillips.

Alsoe, wee request that an oath of the clarkes of the milletary companies
 bee framed and exacted.

Alsoe, wee request that there bee some appointed to require the oath of
 fidelitie in euery townshipp.

1653.

Fines.

4 October.
BRADFORD,
Gov.

Robert Finney, for not seasonably appearing in Court to serue on the petty jury, being summoned, is fined five shillings.

Nathaniell Warren, for the same default, fined five shillings.

6 December. **Att a Court of Asistants held att Plymouth the sixt of December, 1653.*
[*40.]

BEFORE Willam Bradford, gen^t, Gouver^r,
Cap^t Standish,

M^r John Alden, and
Cap^t Willett,

Asistants, &c.

John Tisdall
for vnfaithful-
nes in prising
and about ex-
chaunging the
said cow, fined
twenty shil-
lings.

IT was agreed, that an order bee directed to the cunstable of Taunton, that wheras Thomas Gilbert and John Tisdall were deputed to apprise a cow of John Bryants, of Taunton, a p^{te} of the prise wherof is due vnto the treasury from the said Bryant; and wheras they, the said Thomas Gilbert and John Tisdall, haue exchaunged the said cow for a worse, and haue sent it; that the said cunstable of Taunton doe signify vnto the wife of the said Thomas Gilbert, hee being gone for England, that shee cause the cow that was att first apprised to bee sent, and the other to bee fetched away, or otherwise that John Tisdall bee warned to appeer att the next March Court to answare his default about the p^mises.

A difference betwixt Samuell Kinge and Samuell Cutbert about the wintering of a cow was heard; and Arther Hatherway came into the Court, and testified vpon oath that hee heard Samuell Kinge say, that incase the said cow proued withcalfe, (which shee neuer did,) that then the said Cutbert was to pay fourteen shillings for the wintering of her; soe that vpon consideration of this testimony, and of a former record of Court which this contreversy hath reference vnto, the said Cutbert was freed from paying that which the said Samuell Kinge demaunded on that behalfe.

Thomas Lauenders, of Sandwidge, for speciall consideration was freed of payinge forty shillings of his fine amerced for his fornication with his now wife.

Edward Tilson, for not seasonably appearing to serue on the petty jury, being lawfully summoned, was fined 5^s.

Memorand : that when the warrants are issued forth for the warning of the next Court, that deputie bee required to bee *to bee* sent by each towne to attend the said Court on such occasions as shalbee required of them.

1653.
6 December.
BRADFORD,
Goſ.

**Att the Generall Court holden att New Plymouth the seuenth of March, 1653.*

1653-4.
7 March.
[*41.]

BEFFORE Wiltam Bradford, gentleman, Goſ, John Browne,
Thomas Prence, John Alden, and
Myles Standish, Thomas Willett,
Timothy Hatherley,
Gentlemen, Assistants, &c.

THE deputies of each towne appeering, according to the summons directed to each towne for that purpose, the occasion of sending for them was declared, viz: that wheras a letter hath been soſtime sence received from the Generall Court of the Massachusetts concerning the confedderacōn of the Vnited Collonies, wherunto an answare was required to bee made, accordingly the Court framed an answare, and ordered that in their name it should bee sent with the first conveniency.

2. That wheras sundry haue intrrenched vpon the liberties of the trad belonging to vs att Kennebeck; and wheras alsoe tres pattents haue been graunted and sent ouer from the honorable Court of Parliment and Counsell of State, therby giueing and graunting vnto this jurisdiction the aforsaid liberties of trad in the aforsaid riuier, with enlargement, as alsoe requiring that such due course should bee taken as that the English residing in the said riuier should bee orderly gouerned and carried on in a way of peace for their common good in ciuill concernments, the Court, taking the premises into due and serius consideraōn, did constitute, authorise, and coſmissionate M^r Thomas Prence, one of the honored majestates of this jurisdiction, with full and ample power to summons all and euery the inhabitants, as hee shall see meet, dwelling within the aforsaid Riuier of Kennebeck, vnto some convenient place, to receiue from him such instructions and orders extant which hee hath received from the aforsaid Generall Court full power to require their obseruance of, with full power alsoe to assume vnto himselfe any other pson or psons whatsoever to bee assistant vnto him in the p̄mises.

1653 4. The names of the deputies that appeared and acted in the abovesaid occasions were these following :—

7 March.
[BRADFORD,
GOVERNOR.]

| | |
|----------------------------------|---|
| Mr John Howland, | Mr Anthony Thacher |
| Mr John Winslow, | Mr Edmond Hawes, |
| Leiff Thomas Southworth, | Thomas Hinckley, |
| John Cooke, | Nathaniell Bacon, |
| Gorge Soule, | Mr Anthony Eames, |
| Constant Southworth, | Mr Josias Winslow, |
| Cap ^t James Cudworth, | Mr Steuen Payne, nessesarily deteined, |
| Robert Studson, | Mr Thomas Cooper, |
| Thomas Tupper, | Mr John Doane, |
| James Skiffe, | Richard Higgens. |
| Leiff James Wyate, | |
| Richard Williams, | |

[*42.] *Instructions from the Generall Court to Thomas Prence, Esq^r, com^{is}issionated for the erecting some orderly gouernment amongst the inhabitants of the Riuer of Kennebecke.

1. That vpon their appearance att his summons, hee tender and require them to take the oath of fidelitie for the state of England and this p^{re}sent gou^{er}nement of New Plymouth.

2. That hee acquaint them with the body of lawes of this gouernment ; our intention being not to expect their strict obseruance of euery thing peculiare to ourselues, but considering the distance of the place, wee doe allow them libertie to make choise of such to bee assistant to our com^{is}issioner as hee shall approue of for the making of such further orders as may best conduce to their welfare.

3. That none bee allowed for inhabitants there but such as will take the oath of fidelitie as abovesaid.

4. That such p^{er}sons onely as haue taken the said oath of fidelitie shall acte in the choise of such as may bee assistant to our com^{is}issioner as aforesaid in making and executing such orders as may bee thought fitt to bee established amongst them ; and the said assistants to acte as if they were actually freemen for the p^{re}sent, vntill further order bee taken.

The oath to bee taken of all such inhabitants as shalbee allowed to reside in the liberties of this gouernment, att the Riuer of Kennebecke, is as followethe :—

You shalbee true and faithfull to the state of England as it is now estab-

lished; and whereas you choose at present to reside within the government of New Plymouth, you shall not doe, or cause to be done, any acte or actes, directly or indirectly, by land or water, that shall or may tend to the destruction or overthrow of the whole or parte of this government that shalbee ordered, erected, or established, but shall contrarywise hinder, oppose, and descouer such intents and purposes as tend therunto to those that are in place for the time being that the government may bee enforced therof with all convenient speed; you shall alsoe submit and obserue all such good and wholesome lawes, ordinance, and officers as are or shalbee established within the severall limitts therof. Soe healep you God, whoe is the God of truth and punisher of falshood.

1653-4.


7 March.

[BRADFORD,
GOVERNOR.]

*The widdow Hallowell being graunted tres of adminestration on the estate of Wiltam Hallowell, deceased, doth allow vnto her two daughters ten pounds apeece to either of them, and doth by these presents bind herselfe for the pformance of it; M^r Buckley being bound with her for the securitie of the said portions, to be paid att the day of their marriage. If either of them die before then, the suruiver to enjoy the portion of the deceased. In wittnesse wherof wee haue sett to our hands this fift of January, 1653.

[*43.]

Att the Court held att Plymouth the 8th of June, 1654, M^r Edward Buckley came into the Court, and was cleared of these engagements, and John Phillipps is entered in his stead.

GRACE HALLOWAY,  her marke,
EDWARD BUCKLEY.

The widdow Joane Chillingsworth in like mannor came into the Court, held att Plymouth, the 7th of March, 1653, and acknowledged that shee hath giuen vnto her foure daughters the summe of ten pounds apeece, to be deliuered to them att their day of marriage, or within three monthes after the same; and alsoe that incase any of them die before then, the surviuers to haue their parte that die equally deuided amongst them, and for the pformance heerof Thomas Doged and the said Joane Chillingsworth haue joyntly giuen in securitie vnto the Court.

Whereas a certaine cow, belonging to the Court, from John Bryant, of Taunton, hath been detained and not deliuered vnto John Cook, whoe bought the same of the Court, hee haueing sustained dammage therby, the Court haue ordered and injoyne M^r Gilbert (whoe had the said cow) with the encrease of her since shee was prised, that hee returne her with her said encrease by the 15th day of May next well conditioned, or otherwise to make payment of the summe of fifty shillings by the said day; or in case of neglect, to be required by destraint.

In respect of a will extant of Wiltam Palmer, of Plymouth, deceased, the

1653-4. ouerseers of the said will doe allow vnto Moses Rowley, of Barnstable, a cow to bee vallued for the prise therof, as M^r Thomas Prence and the said Moses Rowley shall agree, and what they agree vpon about the prise of the said cow to bee entered into the Court records.

7 March.
[BRADFORD,
GOVERNOR.]

Wheras, the wife of M^r Thomas Gilbert hath desired by her letter that her servant, whoe hath receiued soñ hurt, and is now in M^r Streets family, that there hee might remayne vntill her husband returne from England; the Court hath graunted her request, provided that M^r Street bee freely willing to give him entertainment, but if not these were to require the cunstable of Taunton to see that the said seruant bee prouided for in some convenient place, and that hee returne not vnto his miš vntill his cause bee heard and further order taken in the same.

[*44.] *M^{is} Laythorp is graunted tres of adminnestraçõn to adminnester on the estate of M^r John Laythorp, deceased. M^r Thomas Prence is appointed and requested by the Court to take oath vnto the estate att home.

Fines.

Edward Perry, for vnorderly proceeding, contrary to order of Court, about his marriage, is fined fiue pound.

And M^r Prence is ordered by the Court to see his marriage ratified as hee goeth home.

Wheras att the Generall Court holden att Plymouth the seuenth of June, 1653, Thomas Hieland, Seni^r, and Thomas Hieland, Juñ, comēced suite against M^r Charles Chauncy, M^r Anthony Eames, Samuell Jacson, and John Saffin, wherby the said ptics, viz^d, M^r Charles Chauncy and the rest, were defamed, these are to signify, that on the fourth day of March, 1653, the said Thomas Hieland, Seni^r, and Thomas Hiland, Ju^r, mett with the said M^r Chauncy and the rest att the house of the said M^r Chauncy att Scittuate, and did then and there acknowledge that they had done the said M^r Chauncy, M^r Eames, Samuell Jacson, and John Saffin manifest wronge in comēcing suite against them as aforsaid; whervpon, at the request of the said M^r Chauncy and the rest, it was ordered by the Court, that the abouesaid acknowledgment was recorded.

Tres of adminnestration was graunted vnto Patience Faunce, to adminnester on the estate of John Faunce, deceased.

Att this Court, Kanelme Winslow complained against John Soule for speakeing falsly of and scandalicing his daughter in carying diuers falce reports betwixt Josias Standish and her; the which complaint, att the request of

Gorge Soule, father of the said John Soule, was refered vntill another Court, to bee tryed by a jury of twelue of his equals. 1653-4.

7 March.
[BRADFORD,
GOVERNOR.]

Thomas Tupper, for his negligence in not causing Edward Perry, of Sandwidg, to bee by him orderly married, being by the Court appointed to marry psons there, was required henceforth to desist, and is not intrusted with that business any more.

Warrants att this Court were issued forth for to require a rate of twenty pounds to bee leuied for the charge of the majestates table for the yeare last past.

*March the seauenth. To the honored Court as followeth, viz: — [*45.]

Wee p̄sent John Damman, of Scittuate, for altering the property of the hole or well that is neare his house in the common hieway, to the dammage of his naighbours. This is cleared by the Court.

2. Wee p̄sent Elizabeth Randall, of Scittuate, for teling of a lye to the detterment of Gowin White. ‡This cleared by the fine.‡ Paid. This p̄sentment was cleared att the Court held att Plymouth the eight of May, 1661.

3. Wee p̄sent Josias Hallott and Thomas Gage for prophaning the Lords day by puting forth to sea out of Sandwidg Harbor vpon the Lords day. Fined according to order.

4. Wee p̄sent Henry Cole, of Barnstable, for pilfering away of money from Leiftenant Mathew Fuller, of Barnstable. This respected.

Wee p̄sent Joseph Rose, and Elizabeth, his wife, of Marshfeild, for fornication. Cleared by paying the fine.

Wee vnderstand that the honored Court hath taken notice of the marriage of Edward Perry, and therefore for the p̄sent wee leaue it.

**Att the Generall Court of Election holden att Plymouth the sixt of June, 1654.* 1654.

6 June.

[*46.]

BEFORE Wiltam Bradford, gentleman, Goū,

Miles Standish,

Timothy Hatherley,

Gentlemen, Asistants.

John Browne,

John Alden, and

Thomas Willett,

1654.

6 June.
[BRADFORD,
GOVERNOR.]

M^R WILLIAM BRADFORD elected Goũ, and sworne.

| | | |
|--|---|--------------------------------|
| M ^r Tho: Prence, Cap ^t Myles Standish, M ^r Wiltam Collyare, M ^r Timothy Hatherley, M ^r John Browne, M ^r John Alden, and Cap ^t Thomas Willett, | } | elected Asistants, and sworne. |
|--|---|--------------------------------|

Cap^t Standish chosen Treasurer.

Freemen admited this Court, and sworne.

| | |
|-------------------------------------|------------------------------------|
| Gorge Macye, | John Scudder, |
| Robert Shelly, | Wiltam Harlow, |
| John Bryant, | Henery Atkins, |
| ‡Wiltam Randall,‡ | Wiltam Spooner, |
| Wiltam Clarke, | James Shaw, |
| Robert Barker, | Thomas Lettice, |
| Steuen Bryant, | Gyles Rickard, Juni ^r , |
| John Washburne, Juni ^r , | Benjamin Bartlett, |
| Abraham Sampson, | Bennajah Pratt. |
| James Naighbour, | |

The Cunstables of the seuerall Townes.

| | | |
|-----------------------|--|---|
| Plymouth, | | { John Morton, Samucll Hickes. |
| Duxburrow, | | { Stephen Bryant, John Aimes. |
| Scittuate, | | { M ^r Thõ Robenson, Walter Hatch. |
| Sandwidge, | | Thõ Burgis, Juni ^r , |
| Taunton, | | John Deane. |
| Yarmouth, | | James Mathews. |
| Barnstable, | | Dolar Daus. |
| Marshfeild, | | { Gorge Russell, John Rogers. |
| Rehoboth, | | Wiltam Carpenter. |
| Eastham, | | John Younge. |

*The Grand Enquest.

1654.

6 June.
[BRADFORD,
GOVERNOR.]
[*47.]

| | | | | | |
|-----------------|--------------------------|------------------------------------|---------|---|---------------------------------|
| sworne. | { | M ^r Anthony Thacher, | sworne. | { | John Allen, |
| | | M ^r Arther Howland, | | | Anthony Perry, |
| | | M ^r Kanelme Winslow, | | | Hezekiah Hoare, |
| | | Thomas Haward, Seni ^r , | | | Gilbert Brookes, |
| | | Gorge Patrick, | | | Humphry Johnson, |
| | | M ^r Thomas Howes, | | | Anthony Dodson, |
| | | Wiltam Hoskins, | | | Ralph Allen, Jun ^r , |
| | | John Wood, | | | Wiltam Bassett, |
| Ephraim Morton, | John Smally, | | | | |
| Wiltam Crocker, | ‡Gorge Macye, exempted,‡ | | | | |
| Samuell Fuller, | James Walker. | | | | |

The Names of the Deputies of the seuerall Townships.

| | |
|----------------------------------|--------------------------------|
| M ^r John Howland, | James Walker, |
| M ^r John Winslow, | M ^r Edmond Hawes, |
| John Dunham, Seni ^r , | Samuell Arnold, |
| John Cooke, | Thomas Hinckley, |
| Gorge Soule, | Nathaniell Bacon, |
| Constant Southworth, | M ^r Anthony Eames, |
| Capt James Cudworth, | M ^r Josias Winslow, |
| Robert Studson, | M ^r Stephen Payne, |
| Thomas Burgis, | Peter Hunt, |
| James Skiffe, | Josias Cooke, |
| Richard Williams, | Daniell Cole. |

Survayors of the Highwaies.

| | | | |
|------------|-----------|---|--------------------|
| Plym̄, | | { | Andrew Ringe, |
| | | | Nathaniell Warren, |
| | | | Edward Gray. |
| Duxburrow, | | { | Thō Andrews, |
| | | | Robert Barker. |
| Scituate, | | { | John Hallot, |
| | | | Peter Collymore. |
| Sand, | | { | Peter Gaunt, |
| | | | Anthony Bessey. |
| Taunton, | | { | Anthony Slocom, |
| | | | James Burt. |

1654.

6 June.
[BRADFORD,
GOVERNOR.]

| | |
|-----------------------|---|
| Yarmouth, | { Mr Wiltam Lunkin, John Gorum. |
| Barnstable, | { John Finney, John Smith. |
| Marshfeild, | { John Rouse, Richard Siluester. |
| Rehoboth, | { Wiltam Carpenter, Gorge Kindricke. |
| Eastham, | { Jobe Cole, Stephen Wood. |

[*48.] *The oath of the clarke of a milletary companie is as followeth : —

You shall faithfully serue in the office of a clarke of the milletary companie of _____ for this p̄sent yeare, during which time you shall dillegently attend such sett times of training as youer officers shall appoint; you shall keep an exact list of the names of youer whole companie, and take notice of all such defects as shall arise by the breach of any wholsom order or orders made by the said companie, and gather in all such fines as belonge therunto, and giue a just account therof to the company or such as they shall appoint.

An Oath to bee adminnestred to euery Towne Clarke of each Towne.

You shall faithfully serue in the office of a town clarke in the towne of _____ for this p̄sent yeare, and soe longe as by mutuall consent the towne and you shall agree; during which time you shall carfully and faithfully keep all such records as you shalbee intrusted withall, and shall record all towne actes and orders, and shall enter all towne graunts and conveyances; you shall record all beirthes, marriages, and burials that shalbee brought vnto you within youer towne, and shall publish all contracts of marriages you shalbee required to doe, according to order of Court bearing date the 20th of October, 1646.

The Account of the Woulues killed by the Indians brought in to this Court.

| | |
|--|--------------|
| Plymouth, 8 woulues, | 04 : 14 : 00 |
| Duxburrow, 2 woulues, with young ones, | 01 : 12 : 00 |
| Barnstable, 3 woulues, | 01 : 16 : 00 |
| Eastham, 4 young woulues, | 01 : 00 : 00 |
| Rehoboth, 2 woulues, | 00 : 19 : 00 |

Being proportioned on each towne, come to,—

1654.

| | s | d | | s | d |
|------------------|----|----|----|-------------------|--------------|
| Plymouth, . . . | 00 | 18 | 0 | Yarmouth, . . . | 00 : 17 : 00 |
| Duxborrow, . . . | 00 | 17 | 0 | Barnstable, . . . | 00 : 18 : 08 |
| Scittuate, . . . | 01 | 10 | 7 | Marshfeild, . . . | 00 : 17 : 00 |
| Sandwidg, . . . | 01 | 02 | 02 | Rehoboth, . . . | 01 : 10 : 07 |
| Taunton, . . . | 00 | 17 | 00 | Eastham, . . . | 00 : 13 : 07 |
| | | | | Summe, | 10 : 02 : 03 |

6 June.
[BRADFORD,
GOVERNOR.]

*Besides the 20^t p annum for the majestrates table, wee allow, as an additionall smale gratuitie to the Goſſ, ten pounds for other emergent expences. [^{*50.}]

Wheras a right is claimed by Jobe Hawkins, of Boston, vnto the land of Major Wiltam Holmes, deceased, which land lyeth att the North Riuer, in the township of Marshfeild, in the jurisdiction of New Plymouth, which right is claimed as due debt, as alsoe by a legacye of forty pounds giuen to him in the last will and testament of the said Major Holmes, the Court haue ordered, vpon consideration of the p̄mises, that the said Jobe Hawkins or his assignes may enter vpon the said land, and possesse and enjoy the same vntell any other shall come and shew a clearer right.

This is to bee paid as other charges which are allowed for magestrates table, both for time and mannor.

M^r Hatherley is appointed and requested by the Court, with other of the inhabitants of Scittuate, to prouide two or three men to view and lay out the most convenientest way from Plymouth to Scittuate, and to see they bee payed for theire paines out of the publicke treasury.

Eres of adminnestration are graunted vnto John Merritt, of Scittuate, to adminnester on the estate of Heuery Merrit, deceased.

Wheras Thomas Huckens, of Barnstable, was warned to appeer this Court to answare for the misusing of a poor seruant of his, the Court, haueing heard what can bee said in the case, haue admonished the said Huckens to carry better towards his seruaut, and to pay 4^s to the vnder marshall for goeing to Sandwidg hoſtward with his seruaut againe when hee came to Plymouth to complain; and alsoe hee is to defray what other charges his said seruaut hath spent att Coles att Plymouth.

Wheras Jonathan Briggs, soſometimes seruant of Wiltam Hailstone, of Taunton, complained against his said m^r that hee hath not p̄formed his coucnants to him, in that hee did not learn him the trad of a tayler, the Court doth order that the said Wiltam Hailstone shall pay vnto his said seruaut the summe of 15 pounds, in good and currant pay, with all convenient speed.

1654.

Fines.

6 June.
[BRADFORD,
GOVERNOR.]

Edward Perry, for refusing to haue his marriage rattified before M^r Prence according to order of Court, is fined five pounds for this p^sent Court, and soe five pounds for euery Generall Court that shall bee during the time of his said neglect for the future.

This fine is re-
mitted by the
Court held
June the fift,
1655.

Cap^t Cudworth, being a deputie for the towne of Scittuate, for departing the Court, being required to stay on speciall occasion, is fined five pounds.

*Presentments by the Grand Enquest.

[*51.]

Wee p^sent Willam Chase, Sen^r, of Yarmouth, for driueing one paire of oxen in the yoke vpon the Lords day, in time of exorcise, about five miles.

Wee p^sent the inhabitants of the towne of Plymouth for not providing a standard according to order of Court, viz^o, a bushell, an half bushell, a peck, and an haffe pecke.

Wee p^sent Lydia Rawlins, of Scittuate, for lying, slaundering, and de-faming of her brother in law, Thomas Rawlins, of Boston.

Wee p^sent John Smith, of Taunton, for needles traueiling vpon the Lords day from Taunton to Nunckatateesett and soe back againe.

Robert Titus enformed this Court, that hee, haueing sold his house and land att Rehoboth, and being ere long to remoue out of this gou^rment, and that M^r Browne had layed an attachment vpon some p^te of his estate to the vallue of aboue fifty pounds, requiring him to ceecure the towne of Rehoboth of Abner Ordway; and vpon hearing and debateing the matter, it did euidently appeer that the said Robert Titus had, contrary to the mind of the towne, receiued into and harbored in his house as inmates Abner Ordway and a woman, psons of euill fame, with children. It is therefore ordered by the Court, that the said Titus, when hee remoueth himselfe and famyly, shall carry the said Abner, and all that appertaineth vnto him, with him, or else giue such securitie as M^r Browne shall see meet for the saueing the inhabitants of the towne harmles from any determent that may befall them by Abner Ordway, or any such as belong vnto him; and in the interim of his remoueall to repaire such dammage as any shall sustaine therby.

[*52.]

Of this graunt
see more in the
passages of the
session of the
Court held the
4th July, 1656.

The Court haue graunted vnto James Skiffe, that if hee can find such land as may bee for his vse and comfort and shall conduce to his benefitt, soe it bee not within the liberties of any p^ticulare township, hee shall bee considered in respect of the residue of the land due vnto him which hee should haue had for his owne and Peter Talbotts seruice.

*In regard of sundry contentions and intanglements betwixt M^r Hatherly and some of the inhabitants of the towne of Scittuate, the Court doth graunt

vnto M^r Hatherley, for to satisfy the p̄teners att Conahasset, a certaine competencye of land out of the bounds of any p̄ticulare township on the westerly side of the towne of Scituate aforsaid.

The Court haue graunted vnto John Rogers, of Duxburrow, a certaine p̄cell or tract of vpland meddow, bee it more or lesse, lying neare the pond called Joaneses Riuer Pond, in lue of dammage hee hath or may sustaine by the highway to the Massachusetts layed through his land.

The bounds of the lands betwixt Yarmouth and Eastham, belonging to the purchasers, is from the Riuer of Namskekett to a marked tree and a stake a little beyond the rocky point next Satuckett, on the sea side. The bounds of the lands of the said purchasers to the eastward is from the bounds of Eastham to the Easteren Harbour, and from thence to a little pond, being the bounds of the land bought for the countrey belonging to Cape Codd.

The Court haue ordered and graunted, that whatsoever whales or blubber shalbee cast vp against the lands of the purchasers, that the proprietie therof shalbelonge vnto the said purchasers accordingly as vnto any of the p̄ticulare townships when such whales or blubber fales within any of their precincts.

The Court haue ordered, that each towne send in their vote by proxei vnto the Goũ by the first Tuesday in July next for the choise of com̄issioners; and it is refered to the majestrates to giue them such instructions as they shall judge meete.

*Wheras, vpon a p̄sent expedition, p̄ order from his highnes the Lord Protector of England, Scotland, and Ireland, sundry disbursments are forthwith to bee made, for accomplishment wherof the Court, haueing therfore requested Cap^t Thomas Willett, M^r John Winslow, Thomas Clarke, and Constant Southworth, for the p̄sent procuringe of such nessesaries as conduce to the comfortable carrii on and p̄forming the said expedition, they therefore heerby order the seuerall townes to repay all such disbursments as shalbee disbursed in the aforsaid expedition in mannor and forme as followeth, viz^s: one third therof to bee paied in wheat and pease, and the other 2 thirds in wheat; that is to say, one third of that third in pease, and the other 2 3^{ds} in wheat.

I^t, another third as followeth, viz^s, one halfe in butter, and the other halfe in barly or mault.

The other third in beefe, porke, and mackerell, of each a third, and in defect of mackerell, the one halfe therof in beefe, the other in porke; to bee paied to M^r Paddy att Boston, excepting Plymouth and Duxburrow, to pay att Plymouth att or before Nouember next ensueing the date heerof, winds and weathers suiting, vpon the penaltie of 30^s fine for euery townes default therein.

1654.

6 June.

[BRADFORD,
GOVERNOR.]

[*53.]

1654.

6 June.
[BRADFORD,
GOVERNOR.]

Vppon a supposition of two monthes expence, the charge was calculated and found to bee as followeth : —

| | |
|---|--------------|
| Iḯ, for the hier of the barque, | 14 : 00 : 00 |
| Iḯ, for 4 mens wages and diet, | 22 : 00 : 00 |
| Iḯ, for a shallope and 3 men, | 24 : 00 : 00 |
| Iḯ, 25 hundred of bread, | 25 : 00 : 00 |
| Iḯ, 10 barrells of beefe, | 35 : 00 : 00 |
| Iḯ, 2 barrells of pork, | 09 : 00 : 00 |
| Iḯ, 10 bushels of pease, | 02 : 00 : 00 |
| Iḯ, 8 bushels of meale, | 02 : 00 : 00 |
| Iḯ, 6 ferkins of butter, | 09 : 00 : 00 |
| Iḯ, 10 kentels of fish, | 06 : 00 : 00 |
| Iḯ, one tunn of beer, | 06 : 00 : 00 |
| Iḯ, one quarter caske of sacke, | 07 : 00 : 00 |
| Iḯ, 20 gallons of brandy, | 06 : 00 : 00 |
| Iḯ, tobacco, | 04 : 00 : 00 |
| Iḯ, a hogshhead of salt, | 01 : 15 : 00 |
| Iḯ, for trayes and candles, | 02 : 00 : 00 |
| Iḯ, for 2 kettles, | 03 : 10 : 00 |

The summe totall, 118 : 15 : 00

20 June.

[*54.]

*The counsell of warr mett att Plymouth the 20th of June, 1654, att which meeting warrants were issued out in the name of his highnes the Lord Protector of England, Ireland, and Scotland, for the pressing of the number of fifty men, to bee taken out of the seuerall townes within this jurisdiction, to goe forth with Major Robert Sedgwicke and Capṯ John Leueritt on an intended expedition against the Duch att the Monhatoes. The proportions of each townes are as followeth : —

| | |
|-----------------------|--------|
| Plymouth, | 6 men. |
| Duxburrow, | 6 men. |
| Scittuate, | 8 men. |
| Sandwich, | 4 men. |
| Taunton, | 5 men. |
| Yarmouth, | 4 men. |
| Barnstable, | 5 men. |
| Marshfeild, | 5 men. |
| Rehoboth, | 4 men. |
| Eastham, | 3 men. |

These, being well provided for, were to goe forth vnder the comāund of Captaine Myles Standish, whoe was ordered to bee their comānder in cheife; Leiftenant Mathew Fuller was ordered to goe forth with him as leiftenant on this expedition; and Hezekiah Hoare was appointed to bee ensigne bearer.

1654.

20 June.

[BRADFORD,
GOVERNOR.]

The comission giuen to Captaine Standish is as followeth:—

Wheras wee are required by his highness the Lord Protector of England, Ireland, and Scotland, to afford assistance vnto that designe of reducing the Duch to obedience vnto the state of England, in order therunto, wee, hauing raised soñ forces, ouer which wee doe constitute our welbeloued frind, Cap̄t Myles Standish, their leader and comānder in cheife, of whose aproued fidelitie and abillitie wee haue had long experience, vnto whose wisdom and discretion wee doe committ the leading and ordering of these our men, and vnto whom wee doe require our men to yeild all due obedience as vnto their comānder; and that hee bee redy, vpon the 28th of this p̄sent June, at Plymouth, to receiue such men as shalbee their comitted to him, and vpon the 29th day to march them vnto Sandwich, and their further to receiue those that shalbee brought from those four plantations vnto him; and from thence to march his men to Manomett, and there to shipp them aboard the barkque called the Aduenter, and soe taking the first oppertunitie of wind & weathers of sayling to the Monhatoes, or such place of randeuoos as *shall* shalbee *ap-
[*55.]

Plymouth, June the 20th, 1654.

Giuen under our hands and common seale of our goũment,

WILLAM BRADFORD, Presedent,

JOHN ALDEN,

THOMAS PRENCE,

THOMAS WILLET,

WILLAM COLLYARE,

JAMES CUDWORTH,

TIMOTHY HATHERLEY.

JOHN WINSLOW,

Captaine Thomas Willett was ordered speedily to repaire vnto the comissioners in cheife, whoe were att present att the Massachuset, to accompanie them vnto the Monhatoes, and to bee assistant vnto them in aduise and counsell;—

1654.

Whose comission is as followeth :—

20 June.
[BRADFORD,
GOVERNOR.]

Whereas, in obedience to his highnes the Lord Protector, wee are willing to concurr according to our weake abillitie in the designe against the Duch att the Monhatoes, in reference vnto the nationall quarrell, and being desired that wee should send some for to counsell and aduise with those who are authorised in cheife by his highnes the Lord Protector for the carrying on of that designe accordingly, wee haue appointed and authorised our trusty and welbeloued frind, Cap̄t Thomas Willett, to goe along with them, and to aford his best healp therin for the furthering of the designe; as alsoe our trusty and welbeloued frind, Cap̄t Myles Standish, when hee shall meet with them, as oppertunity shall p̄sent and occasion shall require. Giuen vnder our hands and common seale of our goūment.

Plymouth, June 20th, 1654.

| | |
|------------------------------|--------------------|
| WIL̄LAM BRADFORD, Presedent, | |
| JOHN ALDEN, | THOMAS PRENCE, |
| JAMES CUDWORTH, | WIL̄LAM COLLYARE, |
| JOHN WINSLOW, | TIMOTHY HATHERLEY. |

[*56.] *The instructions for our welbeloued frinds, Cap̄t Miles Standish and Cap̄t Thomas Willett, are as followeth :—

1. That wee onely joyne in this busines with respect vnto the nationall quarrell.
2. To attend onely the comission that hath been seen; and if any thinge bee vrged beside it, to decline and waue it.
3. If any proposition bee made or way proposed to make restitution to the other collonies for their charges, wee alsoe looke for and expect the like.
4. That if our men want any thing, that you would improve youer *youer* interest in that behalfe to make a supply; and wee shall see the country make you due satisfaction.
5. That you take all occasions and oppertunities of conveying intelligence vnto vs.
6. That the designe being accomplished, you endeaouour to returne our men with what convenient expedition may.
7. Other things of like nature which may fall in, which wee think not of, wee leaue to youer discretion.

The Tenuer of the Warrant issued out for the Pressing of Men for the
Service above expressed.

New Plymouth : To the Cunstable of, &c.

Greet, &c. These are in the name of his highnes the Lord Protector of England, Ireland, and Scotland, to will and require you p̄sently, vpon receipt heerof, without delay to presse the number of men out of your owne towne able and fitt to goe vnder the comāund of Cap̄t Myles Standish, to bee employed in going forth vpon an expedition against the Duch att the Monhatoes, wherunto wee are nessesarily required ; and see that they bee sufficiently furnished with armes and ammunition, videlecett, fierlock peeces, swords, bandeleers or pouches, with one pound of powder and one pound of bullets to each man ; as alsoe that each man bee provided of 3 daies provision in his knapsack : the said men being provided as aforesaid, you are heerby required to bring them vnto Plymouth on Wensday, being the 28th of this instant June, then and there to deliuer them vnto Cap̄t Myles Standish ; wherof fayle not att your pill.

For the furtherance of the expedition against the Duch, it is ordered, that any of the counsell of warr shall haue power to presse any thinge that shalbee found nessesarie in the seuerall townes, as occasion shall require.

*Ordered by the Counsell of Warr.

That if any, to avoyd the p̄sent presse, shall depart out of their owne towne to another, that then the cunstable of that towne is required to presse them notwithstanding ; and such to goe vpon account of their owne towne, and to bee sent forthwith to the cunstable therof.

The barkque in which Samuell Mayo sayleth was pressed to attend the said service for the transportation of the souldiers.

And in like mannor the boate of James Cole, of Plymouth, with seamen to goe in them on the said busines.

Vpon the 23^d of June, 1654, happy tidings came of a long desired peace betwix the two nations of England and Holland, by which all the aforesaid intentions and preparations ceased from being employed and improved vnto the carrying on of the aforesaid enterprize.

*Wheras it hath pleased the right hoñble the counsell of state of the common wealth of England, notwithstanding their many, great, and waighty occations, to take into consideraçõn the condition of the English inhabiting vpon or neare adjoyning vnto the riuer commonly called Kenibek, whoe, by

1654.

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[BRADFORD,
GOVERNOR.]Dated at Ply.
the 20th June,
1654.

[*57.]

23 June.

[*58.]

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[BRADFORD,
GOVERNOR.]

reason of remoteness from other jurisdictions and their owne phawsitie and fewnes, haue not hetherto injoyed the benifit of goũment, noe doubt to the great greife of all well affected English, it hath now pleased the right hoũible counsell of state, by authoritie of Parliment, to confer the goũment of the afors^d inhabitants vpon the jurisdiction of New Plymouth, the first inhabitants and goũment in those p̄tes, as by their tres p̄tents doth appeer.

In p̄suance wherof, and by vertue of the aforsaid authoritie graunted to Wiltam Bradford and his associates, the said Wiltam Bradford and his associates, att a Generall Court held att New Plymouth, gaue full power and authoritie to M^r Thomas Prence, one of the Assistants in the aforsaid goũment, for the settleing of a goũment vpon the said riuer of Kennebecke; by vertue wherof the said Thomas Prence issued out a warrant, directed to the marshall of New Plymouth, bearing date the 15th of May, 1654, requiring the inhabitants vpon the said riuer to make their psonall appeerance att the house of Thomas Ashley, att Merry Meeting, vpon the 23^d of that p̄sent month; att which time and place the people generally assembled, and after publishing of the aforsaid authoritie, the inhabitants heer vnder written haue taken the oath of fidelitic, viz^t: —

| | |
|---------------------------|-------------------|
| Thomas Purchase, gentl̄e, | John Browne, |
| John Stone, | Wiltam Daus, |
| Thomas Ashly, | Thomas Weber, |
| John Richards, | Thomas Atkins, |
| James Smith, | James Coale, |
| Wiltam James, | John Parker, |
| Thomas Parker, | Emanuell Hughes, |
| John White, | Alexander Thawyt. |

Att the same meeting, M^r Thomas Purchase was chosen by the psons abouenamed, and approued by M^r Thomas Prence, to bee an Assistant to the goũment in this p̄te of the jurisdiction of New Plymouth, and an oath adminestred vnto him fore the more powerfull and lawfull adminestration in the said office; and alsoe att the same p̄sent meeting, M^r Prence hath declared that *Leiftenant Thomas Southworth, now residing att Cushenage vpon the said riuer, and such other as shalbee sent thether from time to time to haue the goũment of that family, are alsoe envested into the same power and authoritie to bee asistant vnto the gouernment in this p̄te of the jurisdiction of New Plymouth aforsaid, for the carrying on of goũment heer according to such good and wholsome lawes as are and shalbee made.

[*59.]

Att the same time Thomas Ashly was chosen cunstable by the inhabitants, and sworne to the execution of his office.

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GOVERNOR.]

The Office of an Asistant in this Precinct

Is to see the execution of all such good and wholsom lawes as are and shalbee made, and for that end to issue out warrants to the cunstable for the apprehending of all such as are delinkquents, as alsoe to heare and examine all such cases as shall come before them; to giue out supenaes for any that are to giue euidence in any case depending; to giue summons for the warning of a jury for the triall of causes, as alsoe to adminnester oathes in all lawfull and nessesarie cases, to graunt execution a month after judgment, which execution to bee directed to the cunstable for the time beinge; alsoe, to mary psons, vpon euidence of their lawfull proceedings.

The Oath of an Asistant.

You shalbee truly loyall to the p̄sent commonwealth of England; and wheras you are chosen to bee an Asistant to the gofiment of this p̄te of this jurisdiction of New Plymouth for this p̄sent yeare, according to that measure of wisdome and descretion God hath giuen you, you, for your p̄te, shall obserue and keep to the vtermost of your power all such lawes and ordinances as are and shalbee made; and that you shall cause all transgressors of the aforsaid lawes and ordinances, or any of them, in due time to bee brought to due triall according their seuerall offences respectiue, without p̄shallitie to any; alsoe, you shalbee redy, from time to time & att all times, to issue out all such warrants as shalbee requisite for the apprehending of any pson or psons that are delinkquents in respect of the breach of any orders and lawes that are or shalbee made, and by all due meanes and courses seeke the good of this jurisdiction. Soc healpe you God, &c.

The Oath of a Cunstable.

You shall faithfully serue in the office of a cunstable in the ward of the Riuer of Kennebecke for this p̄sent yeare, according to that measure of wisdome, vnderstanding, and descretion God hath giuen you; in which time you shall dilligently see that the peace com̄aunded bee not broken, but shall carry the pson or psons offending before some one of the Asistants heer chosen, and there attend the hearing of the cause and such order as shalbee giuen you; *you shall apprehend all suspicious psons and bring them before the said Asistants, or one of them, as aforsaid; you shall duely and truly serue such warrants and giue such summons as shalbee directed vnto you from the Gofinor

[*60.]

1654. or Asistants before mencioned, and shall labour to advance the peace and happines of this corporation, and oppose any thinge that shall ańoy the same by all due means and courses. Soe healp you God, whoe is the God of truth and punisher of falchood.

29 June.
[BRADFORD,
GOVERNOR.]

The Office of the Clarke.

You shall faithfully serue in the office of a clarke, vnto which you are chosen in this wardshipp of the Riuer of Kennebecke for one whole year; you shall make true entries of all such orders and lawes as are or shalbee made, and faithfully keep all such things comīted to youer trust, and truly record all such verdicts as shalbee giuen in by the jury from time to time, as alsoe make an entrey of such sensures as are paśed vpon any denlinkquents by the Asistants or either of them; you shall faithfully make entrey of the true bounds of lands as they shalbee giuen to you att the appointment of the Asistants or in publicke Court. Soe healp you God, &c.

Orders made and agreed vpon att the same Meetinge.

1. That all capitall crimes, and trials vpon life and death, bee refered to the Generall Court att Plymouth.

1. Treason against the commonwealth of England or these collonies.

2. Wilfull murther.

3. Sollem conversing or compacting with the diuill by way of conjuraçõn or the like.

4. Wilfull or purposed burning of houses.

5. Sodomy, rapes, and buggary.

6. That adultery bee tried att Plymouth.

7. That theft bee punished by restitution of three or 4 fould, according to the nature of the offence and according to the discretion of the Asistants.

8. That if any pson or psons drinke themselues drunke, for the first default 5^s, for the 2^{cond} 10^s, and the 3^d time bee sett in the stockes.

9. Wilfull prophaning of the Lords day to bee punished according to the discretion of the Asistants.

[*61.] 10. Wheras there hath been great abuse by trading wine and other strong liquors with the Indians, wherby they drinke themselues drunke, and in their drunkenes comītt much *horred wickednes, as murdering their nearest relations, &c, as by sadd and woefull experience is made manifest, it is therefore ordered, that noe pson or psons whatsoever, from this time, trad any strong liquors, directly or indirectly, to the Indians, within this jurisdiction, vpon the forfeiture of the dubble value of the goods soe traded for their

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first default; and four fold for their 2^{cond} default in that kind; and for the third default, if an inhabitant, to lose the privilege of trading with the Indians for the future; and for any stranger that shall come to trade or commerce with the English, or any other that have not taken the oath of fidelity to the commonwealth of England and this present government, and yett reside within the limits of this jurisdiction or any pte thereof, for the present, for their first default in that kind, to forfeite the summe of ten pounds sterling, to be levied vpon their goods or estate that shalbee found within this jurisdiction or any pte thereof, and for the 2^{cond} default 20^{li} sterling, to be levied as aforesaid; the one halfe of all such penalties to be desposed of to the psons enforcing, and the other halfe to publicke vses.

11. That fishing and fowling bee free to all the inhabitants as formerly.

12. That if any Indian or Indians bring beaur or moose to any of the inhabitants of this riuier within their owne limits, they may trad freely with them as formerly, provided it bee for not such things as are prohibited.

13. That there bee noe action tried att this Court exceeding 20^{li} sterling, vnlesse by the consent of both ptes; and incase any greater action doe arise, then the case to bee tryed att the Generall Court att Plymouth.

14. It is agreed that the next Court is to bee holden the 3^d day of the weeke following the 20th of May next, att the house of Thomas Ashly.

15. That all actions betwixt pte & pte bee tryed by the verdict of 12 men.

That Thomas Ashly shall haue liberty to keep an ordinary for making comfortable prouision to entertaine strangers and others for their refreshment, paying for the same.

*The Juriers for to lay out the convenientest Way from Sandwich vnto Plymouth, sworne before M^r Prence, February 24, 1652.

[*62.]

| | | | | | | | |
|---------|---|--|---|---------|---|--|---|
| sworne. | { | Anthony Thacher, Thomas Dexter, Thomas Hinckley, Wiltam Hedge, Edward Banges, Joseph Rogers, John Winge, | } | sworne. | { | John Ellis, Henery Dillingham, James Skiffe, John Finney, Jonathan Hatch, Wiltam Bassett. | } |
|---------|---|--|---|---------|---|--|---|

The oath they tooke: You and euery of you shall choose & lay out a common hieway between Plym. & Sandwich according to your best judgments, wheer you shall find it most convenient for the countries vse.

The 27th of the 12th, 1652.

Wheras wee, whose names are vnderwritten, impanneled by M^r Prence to lay out a way for the countreys vse betwixt the townes of Plymouth and

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20 June.

[BRADFORD,
GOVERNOR.]

Sandwich, hãeing serched out for the same, doe p̄sent vnto this Court as followeth : that wee haue marked and layed out the convenientest way, in our judgments, between the said tow townes, viz^d : begiñing att Sandwich, and soe leauing Good man Blackes house on the right hand, ruining crosse the swampe ouer the riuer, and soe vpon a nornorth west line soe fating vpon the Eelriuer, where two great trees of spruce lye ouer the riuer, and soe thence as it is marked as neare vpon the same line as conveniencye would afford vs into the broad cart path as comes to Nathaniell Mortons house, and soe vnto the towne of Plymouth.

ANTHONY THACHER,
THOMAS DEXTER,
EDWARD BANGES,
THOMAS HINCKLEY,
JOHN WINGE,
WILLAM HEDGE,

JOHN ELLIS,
JAMES SKIFFE,
JOSEPH ROGERS,
HENRY DILLINGHAM,
WILLAM BASSET,
JOHN FINNEY.

3 July.

July 3^d, 1654. These are to signify vnto such as it may conserne, that vpon the desire of M^r Arther Howland, for the ending of contraversies, that hee might know the bounds of his lands wheron hee now liueth, which hee bought of M^r Freeman, the Court doe determine, that Cap^t Standish, M^r Alden, Phillip Delanoy, and Experience Michell shall, as soone as conveniently they can, goe thether and acquaint the said M^r Howland and Thomas Daged with the bounds of the said lands according to the originall graunt.

1654.

1 August.

[*63.]

**Att a Generall Court holden vpon extreordinary Occation att Plymouth, the first of August, 1654.*

BEFORE Willam Bradford, gentleman, Goũ, Timothy Hatherley, and
Willam Colliare, John Alden,
Myles Standish,

Gen^{tl}, Assistants, &c.

Of these instructions see more three pages forward in this booke.

THE deputies of each towne appeered, according to the summons sent for them, the occation wherof was concerning the confederation of the United Collonies, vpon agitation about sundry p̄ticulars concerning the same : the resute was to send cōmissioners as formerly ; and for that end instructions

were prepared for them to make vse of att the time and place of meeting, which was att Conecticott, the first Thursday in September, 1654.

1654.

1 August.

[BRADFORD,
GOVERNOR.]

The Deputies Names.

| | |
|----------------------------------|---|
| M ^r John Howland, | M ^r Oliver Purchase, absent, |
| M ^r John Winslow, | Thomas Hinckley, |
| John Dunham, Sen ^r , | Nathaniell Bacon, |
| John Cooke, Jun ^r , | M ^r Anthony Thacher, |
| Christipher Wadsworth, | M ^r Edmond Hawes, |
| Willam Paybody, | M ^r Josias Winslow, Sen ^r , |
| Cap ^t James Cudworth, | M ^r Anthony Eames, |
| Robert Studson, | M ^r Stephen Payne, |
| Thomas Tupper, | Peter Hunt, |
| Thomas Burgis, | Daniell Cole, |
| Richard Williams, | M ^r John Freeman. |

Att this Court it was agreed, that a letter should bee directed vnto M^r Thomas Purchas, att Pashipscott, in the Riuer of Kennebecke, in their names, to approue of the seruice hee hath vndertaken in being healpfull and assistant in the ordering and gouerning of the inhabitants of the said riuer, and to incurrage him therin, and otherwise to congratulate with him ; which accordingly was pformed.

4 August.

An order was passed by the Court to M^r Anthony Eames and Robert Studson, authorising and requiring them to see that the three score acres of meddow att Conahassett belonging to the toune of Hingham bee layed out according to the acte of the comissioners concerning the same ; and word was sent from the Court to request the Hingham men to depute two men of theirs to bee helpfull about the same busines.

Peter Hunt was approued of by the Court to bee leiftenant of the military companie of Rehobothe ; and M^r John Browne, Jun^r, to bee ensigne bearer of the said companie.

Thomas Hinckley tooke oath to bee towne clarke of the towne of Barnstable.

Vpon the complaint of Robert Ransom, seruant so^mtimes to Thomas Dexter, Jun^r, that hee was hardly vsed and vnreasonably dealt withall by his said master, the Court heard what could bee said in the case, and witnesses were produced on either side ; but that which hee charged his master withall about the p^rmisses could not bee proued ; wherupon Thomas Clarke, of Plymouth, bought out his remaining p^rte of his time of his said master ; and the

1654.

1 August.
[BRADFORD,
GOVERNOR.]

[*64.]

Court admonished him to carry himselfe better then hee had formerly, and incase hee should behaue himself as formerly, hee should not escape corporall *corporall punishment. Alsoe, M^r Nathaniell Fish, of Sandwidge, for entertaining him, the said Ransome, into his house, and otherwise indeseretly carrying towards him, wherby hee was abetted in his stubburnes against his said master, was fined by the Court twenty shillings, after hee had, together with the said Robert Ransome, been comited to the custide of the marshall a night and pte of a day.

M^r Anthony Thacher, M^r Josias Winslow, Seni^r, and Thomas Hinckley were appointed to take the account of the Treasurer for the yeare last past of his receipts and paiments, which is as followeth :—

The account
giuen in by the
Treasurer.

| | | |
|--|---|---------------|
| Duc from Cap ^t Standish, Treasurer, to the country, | } | 92 : 15 : 09 |
| vpon ballence of the account in the yeare 1653, . . . | | |
| To a barrell of oyle from Eastham, | | 02 : 00 : 00 |
| It̄, a steer prised att | | 04 : 10 : 00 |
| | | 99 : 05 : 09 |
| To cleuen barrells of oyle received, | | 22 : 00 : 00 |
| To fines :— | | |
| By Gyles Rickard, Seni ^r , | | 02 : 10 : 00 |
| By Edward Holman, | | 00 : 05 : 00 |
| By John Marchant, | | 02 : 10 : 00 |
| Robert Finney, | | 00 : 05 : 00 |
| Nathaniell Warren, | | 00 : 05 : 00 |
| John Tisdall, | | 01 : 00 : 00 |
| Edmond Tilson, | | 00 : 05 : 00 |
| Edward Perrey, | | 05 : 00 : 00 |
| Josias Hallot, | | 00 : 10 : 00 |
| Thomas Gage, | | 00 : 10 : 00 |
| Joseph Roes, | | 05 : 00 : 00 |
| Edward Perrey, | | 05 : 00 : 00 |
| Cap ^t James Cudworth, | | 05 : 00 : 00 |
| | | 149 : 05 : 09 |
| In totall, | | |

| | | |
|---|---|--------------|
| The Treasurer debtor to the country vpon ballence | } | 30 : 05 : 04 |
| of the account receiued and to receive vnto the first | | |
| of August, 1654, | | |
| Besides the nor receipts vpon former accounts, . . . | | 30 : 02 : 00 |

1654.
 1 August.
 [BRADFORD,
 GOVERNOR.]

Memorandum : that wee find forty nine pound 7 shillings and 9^d of the aforsaid account paid by the Treasurer to M^r Paddy and Captaine Willett towards the am̄nition received by the country, as appcers in the p̄ticulars in the credit.

And nineteen pound nineteen shillings paid more for am̄nition aforsaid to the said M^r Paddy and M^r Willett by the townes ; the total summe paid, 99 : 06 : 09.

The country due to pay for the said am̄nition being but fifty pound, as is recorded in the Court booke, soe that there remains due to the country from M^r Paddy and M^r Willett 19 : 06 : 09 ; which the Treasurer is to receive and to bee accountable to the country for, besides the 30^{li} 05^s 04^d aforsaid.

*Creditt.

[*65.]

| | | |
|--|---|--------------|
| To eight pound allowed him by the Court for his | } | 08 : 00 : 00 |
| paines for the yeare 1653, | | |
| Money deliuered to John Smith for carrying letters to | } | 10 : 00 |
| Nawsett, | | |
| Transporting oyle from Nawsett, | | 00 : 06 : 08 |
| And from Yarmouth, | | 00 : 07 : 00 |
| Charges of cattle from Yarmouth, | | 00 : 04 : 06 |
| For letters to Sauory, | | 00 : 09 : 00 |
| Hier for a horse to Yarmouth, Nausett, and Barnstable, | | 00 : 12 : 00 |
| Expences in the said journey, | | 00 : 03 : 06 |
| For mending Jones Riuer bridge, | | 01 : 04 : 00 |
| To John Jenkins for attending on M ^r Prence, | | 02 : 08 : 00 |
| M ^r Browne vpon com̄ission, | | 02 : 00 : 00 |
| M ^r Browne att Taunton, | | 00 : 06 : 06 |
| To Knowles for | | 01 : 00 : 00 |
| To Cap ^t Willett in p̄te for am̄nition, 8 ^b of oyle, | | 16 : 00 : 00 |
| To him vpon the same account by John Barnes, | | 10 : 10 : 00 |
| More to Cap ^t Willett vpon the same account by | } | 02 : 10 : 00 |
| Rickard, | | |
| And by John Cooke, | | 09 : 00 : 00 |
| And to M ^r Paddy vpon the same account for am̄nition, | | 11 : 07 : 09 |

The account
 giuen in by the
 Treasurer.

1654.

1 August.
[BRADFORD,
GOVERNOR.]

| | |
|---|----------------|
| Charge about the oyle att Boston, for a horse, and other expences, | } 02 : 07 : 06 |
| A horse for M ^r Prence on comission, | 01 : 00 : 00 |
| Butter for the majestrates table, | 00 : 06 : 00 |
| M ^r Browne on comission, | 05 : 02 : 00 |
| Presse money, | 00 : 18 : 00 |
| | <hr/> |
| | 76 : 12 : 05 |

More Credit in Non Receipts due to the Country on the former Account in
the Year (53).

| | |
|-----------------------------|--------------|
| By Nicholas Hide, | 25 : 00 : 00 |
| By Kerbey, | 05 : 00 : 00 |
| By Edward Hall, | 00 : 02 : 00 |
| | <hr/> |
| | 30 : 02 : 00 |

More by Abatements by the Court in Fines.

| | |
|------------------------------------|--------------|
| From Thomas Dexter, | 01 : 00 : 00 |
| By William Hailstone, | 01 : 00 : 00 |
| By Thomas Launder, | 02 : 00 : 00 |
| By losse in John Bryant, | 03 : 10 : 00 |
| | <hr/> |
| Summe, | 07 : 10 : 00 |

| | |
|--|--------------|
| By leakege of 2 bl of oyle, | 04 : 00 : 00 |
| By losse in a barrell of tarr, | 00 : 16 : 00 |
| | <hr/> |
| | 04 : 16 : 00 |

Credditt in total, 119 : 00 : 05

August the 2^{cond}, 1654.

P ANTHONY THACHER,
JOSIAS WINSLOW,
THOMAS HINCKLEY.

Memorandum : the account of Kennebecke is not taken neither for this
yeare nor the former.

*Instructions from the Generall Court holden att Plymouth August the first, 1654, for their Cõmissioners. 1654.

1 August.
[BRADFORD,
GOVERNOR.]
[*66.]

1. That they consider with the other cõmissioners for some due reparation of the breach of any articles of the confederac̃on that may appeer broken, as in such case is provided in the elcuenth article, or as may bee thought fitt.

2. That such a fauerable construction or explanation bee made of the sixt article, that an offensiuē warr bee not vnderaken without the consent of the Generall Courts, yf it may bee.

3. That it bee considered for a constant place of meeting of the cõmissioners either att Boston or Rehoboth, the charges thereatt to bee borne by the whole equally.

WILLAM BRADFORD,
WILLAM COLLYARE,
JOHN ALDEN.

Att this Court, M^r Thomas Prence and M^r John Browne were chosen cõmissioners for the following yeare, as any occation shall require, to meet with the cõmissioners of the other collonies in confederac̃on, and authorised with full power to treat and acte with them as occation shall require, according to the articles of confederation of the Vnited Collonies of New England. M^r Hatherley and Captaine Willett were the next in nomination.

*Att the Generall Court holden att Plymouth the 3^d of October, 1654. 3 October.
[*67.]

| | |
|---|--------------------|
| BEFORE Willam Bradford, gen ^t , Gou ^r , | Timothy Hatherley, |
| Thomas Prence, | John Browne, and |
| Willam Collyare, | John Alden, |
| Myles Standish, | |
| Gentlemen, Assistants, &c. | |

THE cõmissioners, being returned from their last meeting, informed the Court that they had determined with the rest of the cõmissioners of the other collonies to send a certaine number of horse and footmen on a special message to Ninnegrett, the Nianticke sachem; and incase nessesitie should further require, that they had joyntly agreed to send a 2^{cond} supply of men out of the 4 Vnited Collonies to warr against the said Ninnegrett; whervpon warrants were forthwith directed to the cunstable of each towne to presse

1654. the number of men out of each towne as followeth, according to their seuerall proportions:—

3 October.

[BRADFORD,
GOVERNOR.]

| | |
|------------------------|-------------------------|
| Plymouth, 6 | Yarmouth, 4 |
| Duxburrow, 6 | Barnstable, 5 |
| Scituate, 8 | Marshfeild, 5 |
| Sandwich, 4 | Rehoboth, 4 |
| Taunton, 5 | Eastham, 4 |

The Forme of the Warrants.

New Plymouth. To the Cunstable of, &c.

These are in the name of his highnes the Lord Protector of England, Ireland, and Scotland, to will and comāund you, presently on receipt heerof, without delay to presse the number of men out of your owne towne, able and fitt to goe forth vnder the comāund of such officers as the counsell of warr shall appoint to bee employed in going forth against Ninnegreet, the Nyanticke sachem, wherunto wee are necessarily required by the determination of the comissioners, and see that they bee sufficiently furnished with armes and ammunition, viz^s, firelocke peeces, swords, bandaleers or pouches, with one pound of powder and one pound of bullets to each man; as alsoe that each man bee prouided of three daies prouision in his knapsacke; the said men being prouided as aforsaid, you are heerby required to bring them to Plymouth vpon further order, and in the mean time to haue them in a red-dines att a daies warning for march, if occation shall require. Wherof fayle not, &c.

Att this Court, M^r Josias Standish was allowed and approved by the Court to bee ensigne bearer of the milletary companie of Duxburrow.

Leiftenant Samuell Rider was by warrant required to appeer before the Gou^r att Plymouth by the 19th of this present month, to answare for his affronting the cunstable of Yarmouth in the execution of his office, and for vsing words vnto him tending to sedition.

[*68.] *The freemen of Sandwich — viz^s: M^r John Vincent, Thomas Burgis, Thomas Tupper, Richard Burne, and James Skiffe — desired some seuerall pcell of land att the places following, viz^s: som^e land by Marshpee Pond, and 10 acres of meddow; some land by Satuett Pond to the vallue of one hundred acres; a neck of land by Coituet Riu^r, to keepe cattle; certaine meddow lying vpon and about a place called Mannamuch Bay.

Presentments by the Grand Enquest.

1654.

Imprī, ‡wee p̄sent M^r Joseph Tilden, of Scittuate, for taking a false oath att March Court last, about barley receiued of John Ramsden, affirming it to bee deliuered him for his own vse, which is proved to bee deliuered him for M^r x vse.‡

3 October.
[BRADFORD,
GOVERNOR.]
‡Of this p̄sentment see more the 6th page forward in this booke.‡
This was done by order of Court, March the seauenth, 1658.

Item, wee p̄sent the countrey highway betwixt Plymouth and Sandwich that is not cleared and made passable for man and horse, which wee conceiue belongs to Plymouth and Sandwich to doe, because it lies within their lymets.

Item, wheras Joanses Riuer bridge and South Riuer bridge haue been formerly p̄sented, wee desire to enquire into the cause why nothing is done about it.

It̄, wee desire some orderly course may bee taken, that those p̄sons as doe liue in the collonie and haue not taken the oath of fidelitie may, according to the law in that case prouided, bee tendered the same.

Att this Court, a warrant was issued out to require Leiftenant Samuell Ryder p̄sonally to appeer before the Goũ on the 17th of October, 1654, to answare for his affronting of the cunstable of Yarmouth in the execution of his office the last spring, when sent in the name of his highnes the Lord Protector to presse men for an entended expedition att that time. According to the abouesaid warrant, the said Ryder apeered; and vpon his examination hee was freed for that time, hee giuing bonds for his appearence att the next Court.

Leiftenant Samuell Ryder acknowledgeth to owe vnto the Court the summe of 10^{li}.

The condition, that if the said Samuell Ryder shall appeer att the General Court to bee holden att Plymouth aforsaid the first Tusday in March next, and bee redly to answare all such things as either are or shalbee objected against him concerning his affronting the cunstable of Yarmouth, when required by authoritie in the name of his highnes the Lord Protector to presse men to goe forth vpon an expedition, and shall attend the said Court, and not depart the same without lycence; that then, &c.

*The 3^d of December, 1654, John Palmer, of Scittuate, appeered before the Goũ and Cap^t Willett, and complained against Wilkam Barstow for wronge done him by the said Barstow about a tree; wherupon they were aduised to agree betwixt themselnes, which according they did, viz^d, that the said tree, being fit to make trayes or milke vessels, shouldbee equally deuided betwixt them; and soe the contrauersy was ended.

3 December.
[*69.]

1654-5.

14 February.
[BRADFORD,
GOVERNOR.]
February 14th,
1654. This ver-
dict came not
to mee vntill
now to bee re-
corded.

Wee, whose names are heer vnderwritten, being inhabitants of the towne of Marshfeild, being, by the prouidence of God, mett together about the buriall of a young man of the said towne, by name Henery Draiton, whoe hath suddenly come to his end, thought it our duty to examine and to take the best notice wee could, for the satisfaction of the Court and all whom it may concerne, haue taken the examination of the family of M^r Edward Winslow, doe find as followeth : that hee, coming to the house ouer night with his gun from fowling, was well ouernight, and suped with the seruants ; and the next morning, being the fourth of this p^rsent December, the seruants, seeing him prouiding to goe a fowling, pswaded him not to goe, the weather being very vnseasonable ; but hee was very angrey, and refused to harken to them ; and when they were gone in to dewtyes hee went away, and was seen no more till hee was found dead by M^r John Winslow, goeing towards his sonne, Robert Latham ; hee found him lying on his belly, with three doggs not fare of from him, and his gunn and three duekes not farr from him. Alsoe, wee, haueing taken a view of him dead in his clothes, and alsoe stripped, wee testify as followeth : that hee died, for ought wee could descerne, through the violence of the season and ouer traueiling, and labouring to come to the house of M^r Edward Winslow ; and this wee doe all joyntly and seuerally sett to our hands as one mann, and shalbee reddy to testify it vpon oath if need shall require.

NATHANIELL THOMAS,
KANELME WINSLOW,
JOHN DINGLEY,
JOSEPH BEEDLE,
ROBERT CARUER, **R C** his marke.
ANTHONY SNOW,
JOHN THOMAS,
JOHN BUCKE,
JOHN ROUSE, **Y** his marke.
EDW: **f** his marke, BUMPAS,
JOHN RUSSELL,
SAMUELL FULLER.

**Att a Court of Assistants holden att Plymouth the sixt of Febrewary, 1654-5.*
1654.

BEFORE Wiltam Bradford, gentl̄e, Goũ, John Alden, and
Wiltam Collyare, Thomas Willett,
Miles Standish,
Gentlemen, Asistants, &c.

6 February.
[BRADFORD,
GOVERNOR.]
[*70.]

THE following verdict was ordered to bee recorded : —



Marshfeild, the last of January, 1654.

Wee, whose names are vnderwritten, being appointed a jury by M^r John Alden to view the dead body of John Walker, seruant to Robert Latham, of this towne, and to find the cause how hee came to his vntimely end, —

Wee, vpon due serch and examination, doe find that the body of John Walker was blackish and blew, and the skine broken in diuers places from the middle to the haire of his head, viz^d, all his backe with stripes giuen him by his master, Robert Latham, as Robert himselfe did testify ; and alsoe wee found a bruise of his left arme, and one of his left hipp, and one great bruise of his brest ; and there was the knuckles of one hand and one of his fingers frozen, and alsoe both his heeles frozen, and one of the heeles the flesh was much broken, and alsoe one of his little toes frozen and very much perished, and one of his great toes frozen, and alsoe the side of his foot frozen ; and alsoe, vpon the reviewing the body, wee found three gaules like holes in the hames, which wee formerly, the body being frozen, thought they had been holes ; and alsoe wee find that the said John was forced to carry a logg which was beyond his strength, which hee indeauoring to doe, the logg fell vpon him, and hee, being downe, had a stripe or two, as Joseph Beedle doth testify ; and wee find that it was some few daies before his death ; and wee find, by the testimony of John Howland and John Adams, that heard Robert Latham say that hee gaue John Walker soñ stripes that morning before his death ; and alsoe wee find the flesh much broken of the knees of John Walker, and that hee did want sufficient food and cloathing and lodging, and that the said John did constantly wett his bedd and his cloathes, lying in them, and soe suffered by it, his clothes being frozen about him ; and that the said John was put forth in the extremity of cold, though thuse vnabled by lamenes and sorenes to pforme what was required ; and therefore in respect of crewelty

1654-5. and hard vsuage hee died; and alsoe, vpon the 2^{cond} review, the dead corpses did bleed att the nose.

6 February.
[BRADFORD,
GOVERNOR.]

ARTHER HOWLAND,
JOHN BRADFORD,
JOSEPH BEEDLE,
ROBERT R C CARUER,
JOHN DINGLEY,
ANTHONY SNOW,
JOHN BOURNE,
JOHN HOWLAND, Junir,
JOHN THOMAS,
JOHN WALKER,
TIMOTHY  WILLIAMS, his marke.
JOSEPH  ROSE, his marke.

[*71.] *Att the said Court the said Robert Latham appeered, and was examined, and after examination comitted to the custody of the cheife marshall, and soe to remaine vntill the next Generall Court, to bee holden att New Plymouth the sixt of March, 1654, vlesse two sufficient men shall come in in the interim, and bee bound for his appeerance, body for body.

Att this Court, Wiltam Pitman was psented before the Court for stealing and ploying sundry things from Wiltam Crow; and after examination, being suspected to haue stollen sundry other things from both the said Wiltam Crow and others, hee was enjoyned by the Court to appeer att the Generall Court aboue expressed, and in the mean time to agree with those psons hee hath wronged by stealing from them as aforsaid, and to giue the Court an account of what hee done in that behalfe.

6 March. Accordingly, the said Pitman appeered att the Generall Court holden att Plymouth the sixt of March, 1654; and the Court then saw reason to refer him to further consideration, and enjoyned him to appeer att the Court of Asistants to bee holden att Plymouth the first of May, 1655.

And att that Court, hee was sent for, but could not bee found; vpon which the Court sentenced him, that if hee could bee found, hee should bee publickly whipt for his abouesaid misdeamenors; which accordingly was pformed.

1655.

6 June.

Att the Court held the fit of June, 1655, the Court ordered, that Samuell Fuller, of Plymouth, should haue a paire of lether breeches, valled att twenty shillings, which were belonging to Wiltam Pitman, which hee left behind him, in lew of a steel mill the said Pitman stole from the said Samuell Fuller.

*.Att the Generall Court holden att New Plymouth the sixt Day of 1654-5.
 March, 1654.

6 March.
 [BRADFORD,
 GOVERNOR.]
 [*72.]

BEFORE Willam Bradford, gen^l, Gov^r, Timothy Hatherly,
 Willam Collyare, John Browne,
 Thomas Prence, John Alden, and
 Myles Standish, Thomas Willett,
 Gentlemen, Asistants, &c.

ROBERT LATHAM was indited for felonious crewelty done vnto John Walker, his servant, aged about 14 yeares, by vnreasonable correction, by withholding nessesary food and clothing, and by exposing his said servant to extremitie of seasons, wherof the said John Walker languished and imeadiately died, the 15 day of January, anno 1654.

The said Robert Latham put himselfe vpon tryall, according to law.

The grand jury found the bill of inditment a true bill.

Whervpon a pettye jury was impannelld and sent forth vpon the case ;
 their names are as followeth : —

| | | | |
|--------------------------------------|-----------|-------------------|-----------|
| Mr Thomas Dexter, Sen ^r , | } sworne. | Robert Dennis, | } sworne. |
| Joseph Andrews, | | Samuell Arnold, | |
| Robert Studson, | | Thomas Hineckley, | |
| James Torrey, | | Nathaniell Bacon, | |
| Marke Eames, | | John Finney, | |
| Willam Paybody, | | Richard Chadwell, | |

These found the said Robert Latham guilty of manslaughter by chaunce medley.

Whervpon the prisoner desired the benefitt of law, viz^s, a psalue of mercye, which was graunted him ; and sentance was further pronounsd against him, which was, that the said Robert Latham should bee burned in the hand, and his haucing noe lands, that all his goods are confiscate vnto his highnes the Lord Protector ; and that the said sentance should bee forthwith executed ; which accordingly was pformed the 4th of March, 1654.

Willam Pitman haueing been bound to appeer att this Court, to giue account of what satisfaction hee hath made to those hee stole certaine goods from, espetially Willam Crowe, hee accordingly appeered, and declared hee was in a way to giue satisfaction to Willam Crow ; notwithstanding the Court

1654-5. saw reason to enioyne him to appeer att the next June Court, to giue further answare to the p̄mises.

6 March.

[BRADFORD,
GOVERNOR.]

[*73.]

Att the Court held the fift of June, 1655, this sentence was reversed, and the said Ryder approved of to bee lieutenant of the milietary companie of Yarmouth againe.

*Att this Court, Samuell Ryder, Senī, haueing formerly been lieutenant of the milietary companie of Yarmouth, was put out of his said office for resisting the cunstable when hee came with a warrant to presse in the name of his highnes the Lord Protector, and for expressing threatening speeches to the said cunstable; and the said Ryder is to bear armes as a common soldier.

M^r John Freeman was approved by the Court to bee ensigne bearer of the milietary companie of Eastham.

Wiltam Chase, Junī, for goeing into the house of Richard Berry, and taking away by violence a p̄cell of flax and a smale p̄cell of hose yarne, was sentenced to sitt in the stockes an houre on a training day att Yarmouth.

John Woodcocke, of Rehoboth, for goeing into an Indian house, and taking away an Indian child and soñ goods, in lue of a debt the said Indian ought him, was sentenced to sitt in the stockes att Rehoboth an houre on a training day, and to pay a fine of forty shillings.

Adonijah Morris, for goeing into the said Indians house, and taking away goods in lue of a debt due to him, was fined forty shillings.

Att this Court, Peter Gaunt, Ralph Allen, Senī, and Gorḡ Allen, appeared to answare for neglecting to frequent the publick worship of God; and being required to speak to that p̄ticulare, Peter Gaunt afeirmed hee knew noe publicke vizable worship now in the world, wherunto the said Ralph Allen assented, but Gorḡ Allen decented; the case was left to further consideration.

Wheras sundry p̄sons haue died att Taunton, whose wills and the inventories of theire estates haue not been orderly proued, in regard those whom it concerneth, being widdows, cannot conveniently trauell to the Court, M^r Browne is deputed by the Court to require them to take oath to such wills and inventories att Taunton, that soe they may bee recorded according to order.

Wheras John Lewis, soñtimes seruant to M^r Varssall, of Scittuate, is departed the goñment indebted vnto John Saffin and others, and hath left soñ goods in the hands of Wiltam Parker, of Taunton, the Court doth order, that the said goods shalbee for the satisfyeng of the debts hee owed to the said John Saffin att his departure.

[*74.]

*The Court doth declare that both the propriety and jurisdiction of the three score aeres of marsh lying on Scittuate side of Bound Brooke, att the riuers mouth, next vnto the sea, according to the order of the coñmissioners, doth belonge vnto the goñment of the Massachusetts.

The Court doe allow vnto the cheife marshall forty shillings for attendance vpon the Goñ, in June last, when the expedition against the Duch was in hand.

‡Whereas M^r Joseph Tilden was p^resented for taking a false oath, and hath put the case vpon trauser, and the jury haue found it a true p^resentment, for which hee is by the Court fined ten pounds, although wee conceiue hee was draune into it by the base and ill cariage of John Ramsden.

1654-5.

6 March.
[BRADFORD,
GOVERNOR.]

‡This done by order of Court March the seauenth, 1658.‡

The Juries Names that tried this p^resentment.

| | | | |
|---|-----------|---------------------|------------|
| M ^r Thomas Dexter, Seni ^r , | } sworne. | { Leiff Southworth, | } sworne.‡ |
| Joseph Andrews, | | { Gorge Watson, | |
| Marke Eames, | | { Thomas Hinckley, | |
| Wilfām Paybody, | | { Nathaniell Bacon, | |
| Robert Dennis, | | { John Finney, | |
| Samuell Arnold, | | { Richard Chadwell, | |

Presentments by the Grand Inquest att March Court, 1654.

Imprimis, wee p^resent Wilfām Randall, and Elizabeth, his wife, of Scituate, for abusing the cunstable, Walter Hatch, in word and action, as by threats, and refusing to giue securitie according to the warrant, and that when hee strained for the majestrates table, his wife tore the destresse out of his hand, and hurt his hand soe as blood was sheed.

For what wrong was done to the cunstable, the Court remite it vpon his request, and sence fully remited.

Ii, wee p^resent the same Wilfām Randall for selling stronge waters to an Indian.

This is alsoe remited.

Ii, wee p^resent James Gleghorne, and Abia Lumbard, his now wife, of Barnstable, for carnall copulation before contraction.

Paied the fine.

Ii, wee p^resent Allice, the wife of Richard Berry, of Yarmouth, for goeing into the house of Benjamine Hammond, when noe body was att home, and feloniously tooke away a womans shift, that was new made, but without sleeues, and a peece of porke.

Ii, wee p^resent Joane, the wife of Obadiah Miller, of Taunton, for beating and reviling her husband, and egging her children to healp her, bidding them knock him in the head, and wishing his victials might coake him.

Punished att home.

Ii, wee p^resent Thomas Clarke, of Plymouth, for taking of six pounds for the bare loane of twenty pounds for one yeare, which wee conceiue is great extortion, contrary to the law of God and man.

Cleared by trauser.

Ii, wee p^resent John Pecke, of Rehoboth, for laciuouse carriages and vnchast in attempting the chastitie of his fathers maide seruant, to satisfy his fleshly, beastly lust, and that many times for some yeares space, without any intent to marry her, but was alwaies resisted by the mayde, as hee confesseth.

Fined fifty shillings.

*The 29th of March, Leiftenant Thomas Southworth tooke the oath of an Assistant, to serue in that office att the Riuer of Kennebecke the p^resent summer, according to the nature and tenure of the office implied in the oath.

1655.

29 March.
[*75.]

1655.

*Att a Court of Asistants holden at Plymouth the first Day of
May, 1655.*

1 May.

[BRADFORD,
GOVERNOR.]

BEFORE Wiltam Bradford, gen^r, Gov^r, Timothy Hatherley, and
Wiltam Collyare, John Alden,
Myles Standish,
Gentlemen, Asistants, &c.

A COMPLAINT was made by Samuell Cutbert against Edward Gray about a bargaine made by them concerning a lott of land the said Gray bought of the said Cutbert, for which hee was to pay him five pound in a cow. The Court, haueing heard what could bee said on both sides, found the complaint made by Cutbert in a great measure to bee vnjust, Gray haueing, as appeared, giuen the said Cutbert leaue to make choise of a cow out of his cattell; whervpon the Court pswaded the said Gray to accept of 3 bushels of Indian corn for the wintering of the cow, which hee did, from the said Cutbert, and soe the difference is ended.

Concerning a controvercy about a propriety of herrings or alewiues, challenged by Thomas Burgis, of Sandwidg, pe^r, belonging vnto a ꝑcell of land graunted to him att Mannomet, the towne of Sandwidge haueing imployed Wiltam Newland as their agent about the said difference, the Court, haueing heard and considered of the ꝑmises, determined as followeth, viz^o: that the said Thomas Burgis shall haue aⁿually ten thousand herrings, as appertaining vnto him by right of the aforsaid land, to bee taken vpp att two seuerall times in the season of herrings, according to the ordinary custom agreed vpon and practised by the inhabitants of Sandwidge about their herrings; and his ꝑte or share as a townesman to belonge vnto him notwithstanding; and in case that the latter ꝑte of the abouesaid ten thousand of herrings, which is five thousand, can not bee had according to the abouesaid order, in regard they co^m not in, that then the said Thomas Burgis is to haue them, or the remainder of them, bee they more or lesse, the yeare following.

Captaine Standish and M^r Alden haueing formerly ben ordered by the Court to goe with Experience Michell and Phillipe Dellanoy to shew them, as neare as they could, the bounds of the lands which was so^mtimes theirs in the township of Marshfeild, now possessed by Arther Howland and the successors of Thomas Chillingsworth, att this Court they declared that they had done according to the aforsaid order.

Att this Court, Ephraim Tinkham and Arther Hathaway desired liberty

of the Court to goe vp with their families to liue on the lands of John Barnes, att Lakenham ; to which the Court answered that they would not hinder them, but in case any just complaint should come of any inconueniency either respecting themselues or others that may arise, it was put to them to consider how difficult it would bee for them to pluck vp and remoue againe, if they should therevnto bee necessaryly required.

1655.

1 May.
[BRADFORD,
GOVERNOR.]

**Att a Generall Court holden att New Plymouth the eighth of June, 1655.*

8 June.
[*76.]

BEFORE Wiltam Bradford, gentleman, Goũ, Timothy Hatherley,
Wiltam Collyare, John Browne, and
Myles Standish, John Alden,
Genť, Asistants, &c.

M^R WILŁAM BRADFORD elected Goũ, and sworne.

| | | |
|--|---|-----------------------|
| M ^r Thomas Prence, | } | elected Asistants. |
| Capť Myles Standish, | | |
| M ^r Wiltam Collyare, | | |
| M ^r Timothy Hatherley, | | |
| M ^r John Browne, | | |
| M ^r John Alden, and | | |
| Capť Thomas Willett, | } | elected comissioners. |
| M ^r Thomas Prence and | | |
| M ^r John Browne, | | |
| and Capť Thomas Willett, | } | next in nomination. |
| Capť James Cudworth, | | |
| Capť Myles Standish elected Treasurer. | | |

Freemen admitted this Court, and sworne.

| | |
|---------------------------------|---------------|
| James Torry, | Francis West, |
| M ^r Josias Standish, | John Bryant. |

1655.

8 June.
[BRADFORD,
GOVERNOR.]

The Names of such as stand propounded to take vp their Freedom.

| | |
|--------------------|-------------------------------------|
| Gorge Russell, | Robert Fuller, |
| Joseph Laythorpe, | Thomas Ensigne, |
| Humphry Johnson, | John Woodfeild, |
| Nathaniell Warren, | John Rickard, |
| Hezekiah Hoare, | Joseph Howes, |
| Joseph Colman, | Wiltam Bassett, Juni ^r , |
| John Damman, | Phillip Walker, |
| Marke Snow, | Jonathan Blisse, |
| John Butterworth, | Wiltam Walker. |

The Cunstables of the seuerall Townes.

| | |
|-----------------------|---|
| Plymouth, | Thomas Whitney, |
| Duxburrow, | { Wiltam Clarke, & another to bee aded. |
| Scituate, | { Thomas Pinchen, John Turner, Seni ^r . |
| Sandwidge, | Steuen Winge. |
| Taunton, | John Tisdall. |
| Yarmouth, | Thomas Boardman. |
| Barnstable, | Robert Shelley. |
| Marshfeild, | { M ^r John Bradford, Richard Silvester. |
| Rehoboth, | One yett to bee chosen at home. |
| Eastham, | Marke Snow. |

[*77.]

•The Grand Enquest.

| | | | |
|-----------------------------------|-----------|-------------------------------------|-----------|
| Joseph Andrews, | } sworne. | John Palmer, | } sworne. |
| Gabriell Fallowell, | | M ^r Edward Dillingham, | |
| M ^r Nathaniell Willis, | | Thomas Butler, | |
| Robert Bartlett, | | Thomas Huckens, | |
| Andrew Ringe, | | John Winge, | |
| Matthyas Briggs, | | Joseph Laythorpe, | |
| Isack Chettenden, | | John Dingley, | |
| Wiltam Harvey, | | Wiltam Maycomber, | |
| Peter Pitts, | | Jonathan Blisse, | |
| Edward Sturgis, | | Phillip Walker, Nathaniell Mayo. | |

1655.

8 June.

[BRADFORD,
GOVERNOR.]

Surveyors for the Highwaies.

| | | |
|-------------|---|---|
| Plym̄, | { | Robert Finney, Henery Wood, Wiltam Spooner. |
| Duxbū, | { | Thurston Clarke, Zachariah Soule. |
| Scittuate, | { | John Stockbridge, Wiltam Wills. |
| Sandwidge, | { | Benjamine Nye, Wiltam Swift. |
| Taunton, | { | Gorge Maceye, Francis Smith. |
| Yarmouth, | { | Mr Wiltam Lumpkin, Thō Fallan. |
| Barnsť, | { | Henery Bourne, Thō Burman. |
| Marshfeild, | { | John Phillippes, Timothy Williamson. |
| Rehoboth, | { | Richard Ingeram, John Fitch. |
| Eastham, | { | Robert Sparrow, Robert Vixon. |

The Deputies of the seuerall Townes.

| | | |
|------------|---|--|
| Plym̄, | { | Mr John Howland, John Dunham, Seni ^r , John Cooke, Thō Clarke. |
| Duxburrow, | { | Constant Southworth, Wiltam Paybody. |
| Scittū, | { | Capť James Cudworth, Robert Studson. |
| Sand, | { | Mr John Vincent, James Skiffc. |
| Taunton, | { | Leiftenant James Wyate, Rich Williams. |
| Yarmouth, | { | Mr Edmond Hawes, Wiltam Nicarson. |

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| | | |
|-------------|-----------|---|
| Barnst, | | { Thomas Hinckley, Nathaniell Bacon. |
| Marshfeild, | | { Mr Anthony Eames, Mr Josias Winslow. |
| Rehoboth, | | { Mr Stephen Payne, Peter Hunt. |
| Eastham, | | { Rich Sparrow, Rich Higgens. |

[*78.] *The milletary officers, settled according to the request of the seuerall townes, are as followeth :—

For Marshfeild, Mr Josias Winslow, Junir, for captaine; for leiftenant, Mr Peregrine White; for ensigne, Marke Eames.

Scittuat, James Torrey, for leiftenant; John Williams, Junier, for ensigne.

Sandwidge, Thomas Dexter, Junir, for ensigne.

The p̄ticulares propounded by the Gof̄ as reasons wherfore hee is not willinge to accept his place for the full yeare vnlesse sōm speedy course bee taken for the redresse of the same :—

1. Wheras formerly complaint hath been made diuers yeares of a great neglect that hath been in seuerall places of this gouernment, that competent mayntainence hath not been aforded to the minnistry, and since many are remoued.

2. That due course hath not been taken for the suppressing of error, wherypon great confusion is like to follow, and the peace and comfort of the churches desturbed.

3. These thinges haue been tendered to the deputies, and they haue had a dayes consideration therof, and noe satisfaction hath been giuen.

4. The absence of some of the magistrates, whose mindes are not knowne whether they will serue in the place of Assistants to which they are elected, and one elected to the same place refusing to take oath therein, being vnsatisfied in the p̄ticulars aboue expressed.

5. That there is noe certainty whether the p̄sons elected to the place of com̄issioners will vndertake the same or not, and that there is noe certaine meanes provided for the same.

6. Notwithstanding, in regard of the p̄sent exegent I ame contented, incase that the rest of the magistrates will goe on and take their oath, I wilbee willing to sitt by.

7. If they shall please to goe on as they are, I will goe on with them, as in a case formerly wee haue done, in the discharge of my place, till by a further adjournment things may bee better settled, and then I will, with the rest, take a new oath, provided I bee att liberty, if I bee not better satisfied att the adjournment.

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8. That the adjournment of the p̄sent Court shalbee within two monthes next after this p̄sent day, being the seauenth of June, 1655. After this there was a joynt concurrence in the majestrates p̄sent to accept their places, M^r Collyare onely excepted; the deputies tooke the abouesaid writing apart and considered therof, and propounded sundry things in way of satisfaction, which, being rectified, were enacted by the Court as they are e x .

Of this see the
booke of or-
ders, anno
1655.

*Wheras a petition was p̄sented to the Generall Court att Plymouth, the fift of June, 1655, by seuerall inhabitants of the towne of Rehoboth, whose hands were therunto subscribed, desiring the Court to asist them in a way according to the orders of other collonies about them, for the raising mayntaynance for the minnestrey. The some of the petition seemed to hold forth, that those whose hands were not subscribed contributed nothin, or soe little as was not esteemed, of which petition occasioned some desputes about a forcable way to compell all the inhabitants of that towne to pay a certaine sum euery yeare towards the mayntainance of the minnester; wherypon M^r John Browne, one of the majestrates then siting in Court, and being one of the inhabitants of that towne, and not being made acquainted with the said petition vntill the names of the inhabitants were subscribed, to issue the said troublesome contraversy and take of the odium from others, did propound that, forasmuch as those whose hands were to the petition desired to submit themselues vnto a rate, that iff the Court would send two of the majestrates vnto Rehoboth to take notice of the estates of the petitioners, hee would engage himselfe in the behalfe of those whoe were then inhabitants of the said towne, whose hands were not subscribed to the petition, that they should voutentarily contribute according to their estates; and if any of them fall short in this busines, hee would supply that want out of his owne estate, and this hee would make good by ingageing his land for seauen yeares in their behalfe while they stayed, though hee himselfe should remoue from the place; which was approued of, and Cap^t Standish and M^r Hatherley were then made choise of by the Court to see it ordered accordingly.

[*79.]

In further answare to a petition preferred to the Court by the church of Marshfeild the last yeare, desiring healp in a like case as aboue expressed, the Court ordered and requested two of the majestrates, — videlicett, Cap^t Stan-

1655.

8 June.
[BRADFORD,
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dish and M^r Alden, — to goe ouer to Marshfeild, and att a publicke towne meeting to signify vnto them the Courts desire is, that the inhabitants of the said towne would take notice of their duyes soe as to contribute according to their abillities freely to the mayntainance of the minnester, that soe the said minnester may carry on comfortably in despensing the word of God amongst them, that soe their may bee noe just cause of complaints for the future in that behalfe.

[*80.]

*Att the Generall Court holden att Plymouth, June 6th, 1655.

The grand enquest p^sent as followeth : —

‡Imp^pr, wee p^sent Susanna, the wife of Robert Latham, for being in a great measure guilty, with her said husband, in exercisinge creuely towards their late seruant, John Walker, in not affording him convenient food, rayment, and lodging ; especially, in her husbands absence, in forcing him to bring a logg beyond his strength.‡

Measures are
since provided
and sealed.

Item, wee p^sent the towne of Plymouth for that they haue not provided standards for measures, to the much p^jedice of the seuerall townshipes.

Item, wee p^sent the towne of Marshfeild for want of a pound, stockes, and whipping post, contrary to order.

Item, wee p^sent the towne of Duxburrow for the same defecte.

Cleared by pa-
ing the fine.

Item, wee p^sent John Sprague and Ruth Bassett, of Duxburrow, for fornication before they were married.

Item, wee p^sent Joseph Andrews and Robert Barker, survayors for the highwaies, for neglecting to mend the highwaies in the township of Duxburrow.

Item, the towne of Plymouth for not haueing a pound for cattle.

Item, wee p^sent the towne of Plymouth for that the country way betwixt their towne and Sandwich townes bounds is not cut passable for man and horse.

Item, wee p^sent the towne of Sandwidg for being without stockes and whipping post.

Owning the p^r-
sentment as it
lyeth, hee is
fined 20^s.

Item, wee p^sent Hugh Cole, and Mary Foxwell, his now wife, in keeping company each with other in an vndecient manner, att an vnseasonable time and place, before marriage.

Item, wee p^sent Jane, the seruant of Wiltam Swift, for an acte of fornication, by her owne confession vpon examination.

Fined 10^s, or,
refusing to pay,
then to sitt in
the stockes att
Yarmouth an
houre the next
waining day.

Item, wee p^sent Alicc, the wife of Rich Berry, for theiush milking the cow of Thō Phelps, of Yarmouth.

Item, wee p^sent the towne of Eastham for wanting a pound for cattle.

Item, wee p^sent the towne of Sandwidg for being defectiue in not haueing their full proportion of common armes according to order.

Wheras there is an order that all residing in the collonie should take the oath of fidelitie, wee can not find ground to present the breach thereof, though wee haue many in sundry of our townes that haue not taken the same because many of vs haue noe majestrate in our townes, and alsoe because wee haue noe list whoe haue taken the same, therby to know whoe haue not, nor bookes of orders to tender them the oath.

Item, wee desire to quere whether the order made in anno 1652 doe giue liberty to the old comers to take vp each particulare pson his particulare proportion in diuers particulare pcells to the appropriateing diuers other tractes to their owne benefitts, by disabling them to bee seruicable to accomodate any other men, as alsoe the benefitt of the seacost, to the prejudice of the collonie, as is conceiued.

It, wee present that wheras there is an order of Court for fortifications in euery township to bee made, the defecte thereof is soe generall that there are not innocent psons enough amongst vs to present the particulare defectes, there being soe generall a fault.

*Eres of administration were graunted by the Court vnto Nathaniell Bacon, of Barnstable, to adminnester on the estate of Anthony Gilpin, deceased.

[*81.]

The Court doe allow vnto Gorge Lewis, of Barnstable, for charge and trouble about the said Anthony Gilpin in his sicknes and all other times, the sume of six pound three shillings and four pence, besides ten shillings for the wintering of an heifer, and two shillings and six pence which was brought in vpon account afterwards.

The Court haue examined the two grandjurymen of Barnstable, viz^s, Samuell Fuller and Wiltam Crocker, about an oath giuen by M^r Prence to two witnesses concerning a case about Hugh Cole; and they did both affirme before the Court that M^r Prence did not instigate them to present Hugh Cole, but that they themselues were the first that mentioned it to him, requesting him to giue oath to the said witnesses before euer hee spake to them about it.

Concerning complaint made by John Hall, of Yarmouth, against Francis Baker, of the same towne, for abusing Samuell Hall, his son, and seruant to the said Baker, by kicking of him and otherwise vnreasonably stricking of him, the Court haue ordered, that the said Samuell Hall shall bee and continew with his said father vntill the next Court of Asistants; and then incase the said Baker shall come and complaine to the said Court, hee is to acquaint the said Hall therwith, that soe hee may come with him, and they shalbee heard.

Ordered, that incase the towne of Sandwidge doe not prouide and send vnto October Court next two men to serue in the office of grandjurmen, they shalbee then fined according to order.

There were two sence sent to serue in the place.

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And in case their constable last chosen doe not come to Plymouth the next weeke after this first session of the Court is ended, and take his oath to serue in the said office, hee shalbee lyable to fine likewise.

Whereas by a warrant from M^r John Browne, directed to the constable of Taunton, John Cobb, of the same towne, was arrested at the suite of James Rogers, of Road Island, and that the said John Cobb appeared at Plymouth before this Court, and entered bond for his appearance to answer the said suite, Leiftenant Wyate came into the Court and engaged to pay the debt, and soe the said Cobb is cleared.

This Court was adjourned vnto Tuesday, the first of July, 1655.

2 July.
[*82.]

**Att the 2^{cond} Session of the Generall Court, began att Plymouth the fift of June, 1655, and holden att Plymouth aforesaid the 2^{cond} of July, 1655.*

BEFORE Wiltam Bradford, gentl̃, Goṽ, John Browne, and
Wiltam Collyare, John Alden,
Timothy Hatherley,
Gentl̃, Asistants, &c.

THE liberty formerly graunted to the freemen for seeking out of lands for accomodation of them and their posterities, the tearme of time is enlarged vntill June, 1656, provided it doe not prejudice any township already settled, and that it doe not cause or breed any disturbance amongst the Indians.

In answer to a former request made to the Court by M^r Browne as his right, liberty is graunted vnto him to take vp two hundred acres of land for his sonnes vpon Patuckett Riuer, northward from M^r Blackstones.

Att this Court, liberty was graunted to the towne of Plymouth to purchase land of the Indians att Sepecan, to winter cattle vpon.

In reference vnto a former engagement vnto James Skiffe for his former seruice, the Court haue graunted vnto him a smale p̃cell or tract of land lying att Mannomett, videlicet, a smale necke deuided into two p̃tes by an inlett of water coming out of the riuer that bounds the land of Thomas Burgis, Senir, on the other side that riuer, directly ouer against the said Thomas Burgis his land, which was formerly the companies, wher they had a trading house, viz^t, all the said necke soe deuided as abonesaid, with all and singulare the appurtenances, priuiledges, and emunities belonging therunto, with all the meddow

of any kind bordering vpon the said necke or lying on the skirts therof, to haue and to hold vnto the said James Skiffe, hee, his heires and assignes, foreuer.

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In regard of soñ straites and hardships vpon Richard Bourne and others, the freemen of Sandwidge, the Court haue graunted vnto them that, in case they shall find any p̄cells of meddow about Mannomett, or other places near, bordering vpon Sandwidge, that shall not bee found to intrench vpon lands already graunted to any, or shall not hinder a plantation, or breed or occasion any disturbance amongst the Indians, they haue liberty to make vse and improue the same for the supply of their wants aboue expressed.

Liberty is graunted vnto Richard Bourn, of Sandwidge, to make vse of soñ vpland meddow lying att the end of Mashpee Pond, provided hee doe it with the concent of the Indians to whom it belongeth.

*The Number of the Woulues killed by the Indians in the seuerall Townships of this Jurisdiction sence the last Yeare. [*83.]

| | |
|----------------------|---------------------------|
| Plymouth, 3 | Yarmouth, six. |
| Duxburrow, 1 | Barnstable, nine. |
| Scituate, 1 | Rehoboth, two. |
| Sandwidg̃, 4 | Eastham, four. |
| Taunton, 1 | |

Being proportioned on each towne comes to, —

| | |
|---|--------------|
| Barnstable to receiue for their woulues this } June Court, 1655, } | 03 : 02 : 03 |
| To Yarmouth, | 01 : 14 : 09 |
| To Sandwidg̃, | 00 : 07 : 04 |
| To Plymouth, | 00 : 02 : 03 |
| To Eastham, | 00 : 19 : 09 |
| | <hr/> |
| Due to Plymouth for the woulues in 1654, . | 03 : 16 : 00 |
| This yeare, in 1655, | 00 : 02 : 03 |
| | <hr/> |
| | 03 : 18 : 03 |
| What Taunton is to pay to the charge, . . | 00 : 15 : 03 |
| Scituate, | 01 : 15 : 4½ |
| Duxburrow, | 00 : 15 : 3 |
| Rehoboth, | 01 : 15 : 4½ |
| Marshfeild, | 01 : 05 : 3 |
| | <hr/> |
| | 06 : 06 : 06 |

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| | |
|-------------------------------------|--------------|
| Barnstable, nine woulues, | 04 : 10 : 00 |
| Yarmouth, six woulues, | 03 : 00 : 00 |
| Sandwidge, foure woulues, | 02 : 00 : 00 |
| Taunton, one woulfe, | 00 : 10 : 00 |
| Scittuate, one woulfe, | 00 : 10 : 00 |
| Plymouth, three woulues, | 01 : 10 : 00 |
| Duxburrow, one woulfe, | 00 : 10 : 00 |
| Eastham, foure woulues, | 02 : 00 : 00 |
| Rehoboth, one woulfe, | 00 : 10 : 00 |
| | <hr/> |
| | 15 : 00 : 00 |

[*84.] *The townes proportions of this rate, according to order of Court, is as followeth :—

| | |
|-----------------------|---------------|
| Barnstable, | 01 : 07 : 06 |
| Yarmouth, | 01 : 05 : 03 |
| Sandwidge, | 01 : 12 : 09 |
| Taunton, | 01 : 05 : 03 |
| Scittuate, | 02 : 05 : 04½ |
| Plymouth, | 01 : 07 : 09 |
| Duxburrow, | 01 : 05 : 03 |
| Eastham, | 01 : 00 : 03 |
| Rehoboth, | 02 : 05 : 4½ |
| Marshfeild, | 01 : 05 : 03 |
| | <hr/> |
| | 15 : 00 : 00 |

A Receipt appointed to bee recorded.

Receiued of John Gorum, for the vse of the collonie of Plymouth, two barrells and one kilderkin of oyle ; I say, receiued.

WILEAM PADDY.

Boston, 25 1, (54.)

Liberty is graunted to the naighbourhood in which M^r Browne liueth att Rehoboth to make a pound to ympound cattle, horses, or hoggs that shall treaspas vpon them.

Leiftenant Wyate and Thomas Clarke haue vndertaken to prouide horses and fuñiture for them for the vse of the cõmissioners in their journey to New Hauen ; this yeare M^r Howland hath engaged that his horse shall goe for one.

M^r Josias Winslow, Seni^r, M^r Josias Winslow, Juni^r, M^r Hinckley, Thõ

Clarke, and Robert Studson are appointed as a committee to meet with the majistrates att the next Court of Asistants, to treat with them about the letting of the trade att Kennebecke, and about regulateing the disorders of the goūment there, as alsoe to take the accounts of the Treasurer and M^r Paddy in the behalfe of the countrey, as alsoe to take order for securing the countreyes powder, and to take order for the mending of Joaneses Riuer bridge in the behalfe of the countrey.

1655.

2 July.
BRADFORD,
Go^d.

*M^r Josias Winslow, Junⁱ, allowed and approued by the Court to bee cap^t of the milletary companie of Marshfeild.

[*85.]

**Att the Court of Asistants holden att Plymouth the seauenth of August, 1655.*

7 August.

[*86.]

BEFORE Wiltam Bradford, Go^d, Timothy Hatherley, and
Wiltam Colyare, John Alden,
Asistants, &c.

WHERAS a committee was appointed by the Court to meet with the majistrates att this Court to despose of the trad att Kennebecke, the majistrates, with the said committee, haue ordered and lett the said trad (sundry considerations moueing them therunto) vnto the pteners that formerly had it, viz^s, M^r Wiltam Bradford, M^r Thomas Prence, Captaine Thomas Willett, M^r Josias Winslow, Junⁱ, and M^r Wiltam Paddy, on the tearmes they formerly had it.

This committee was appointed att the 2nd session of the Court, holden the 2nd of July, 1655.

It was ordered, that a place should forthwith bee procured to secure the countreyes powder.

M^r John Howland and Constant Southworth are appointed and requested by the Court to take order and agree with workmen for to mend Joaneses Riuer bridge with all conuenient speed.

Wheras it doth appeer that there is so^m difference and controuersy amongst the milletary companie of Yarmouth about their leiftenant, Samuell Ryder, Seni^r, and so^m reasons are by so^m of them rendered against his exercising in that place, and complaints made in that behalfe, the counsell of warr haue ordered that their ensigne, M^r Wiltam Hedge, shall exercise them in training vntill the next October Court, att which Court the p^ties or some of them soe diferently minded shall appeer and shalbee heard, and such order taken therin as shall then bee thought meett.

1655.

7 August.
[BRADFORD,
GOVERNOR.]

In the difference betwixt John Hall and Francis Baker about Samuell Hall, late seruant to the said Francis Baker, the Court ordered that John Hall shall pay vnto the said Francis Baker the summe of eight pounds for the remainder of his seruants time vnexpired, and the said Samuell Hall is to continew with his father, and soe the controuersye is ended.

Eres of adminnestration are graunted vnto Sarah, the wife of Thomas Gannett, deceased, to adminnester vpon the estate of the said Gannett, and to pay the debts, &c.

About a gun.

Teage Joanes is required to appeer att the Court to bee holden in October next, to answare the complaint of Mashantampaine, and to giue him notice to bee p̄sent then alsoe.

[*87.]

*Christopher Lawson acknowledgeth to owe vnto his
highness the Lord Protector the summe of . . . } 20^{li} : 00 : 00

The condition, that if the said Christopher Lawson shall appeer att the Generall Court of Election to bee holden att Plymouth in June, 1656, to answare such thinges as shalbee objected against him in respect of sundry misdemeanors wherof hee is accused to bee guilty att Kennebecke, and not depart the said Court without lycence; that then, &c.; vnlesse the said Lawson shall haue ocession to goe for England this yeare.

M^r Thomas Lake engageth vnto the Court that the abouesaid Christopher Lawson shall appeer att the Generall Court to bee holden att June, 1656, to answare to such thinges as shalbee objected against him as abouesaid; and if the said Lawson shall haue ocession to goe for England before the said Court, the said M^r Thō Lake engageth, that incase hee come ouer againe, and come within his power, hee shall appeer vpon summons to answare the said p̄ticulars.

Wheras Robert Chambers, soñtimes seruant to M^r Edward Winslow, is departed the gouernment and since deceased, and when hee departed hee left a smale stocke of cattle in the hands of Robert Caruer, of Marshfeild, in p̄tenership with him; and the time of their said p̄tenership being expired, and the increase of the said cattle deuided, vpon a proposition made to the Court by the said Robert Caruer, they haue ordered that the said Robert Chambers his p̄te of the said cattle shalbee and remaine in the hands and custidy of the said Robert Caruer on the conditions hee formerly had them, viz^s, to halfes the increase, that is to say, the breeding cattle, two steer calues remaining vndesposed of.

**Att the Generall Court held att Plymouth the 4th of October, 1655.* 1655.

BEFORE Willeam Bradford, Gou, John Browne, and
Thomas Prence, John Alden,
Timothy Hatherley,

Asistants, &c.

4 October.
[BRADFORD,
GOVERNOR.]
[*88.]

WHERAS there is a complaint brought to vs of the vnworthy carriages of some psons in the traine band of Scittuate in the choise of theire sargeants, which doth seem to vs to bee in contempt of the goument, in that they voted for diuers vnmeet psons for such a place, and alsoe in voting for the ensigne to bee a sargeant that was formerly assigned to the place by vs; now these are therefore to require you that in due time you come together, and make choise of such as are fitt for the place of sarjeants, and those men formerly chosen to attend the daies of training and bearing armes as before; and if you giue vs occasion by a like complaint, wee shall take further order as wee shall see meet.

And wheras wee are informed that Isacke Bucke, the now clarke of the said band, on your last daie of training, when hee called the companie together, did vnworthily misdemean himselfe, wee require him that hee make a publicke acknowledgement therof att the head of the companie the next training day, or otherwise wee heerby require him to make his psonall apperance att the Generall Court to bee held for this goument the first Tusday in March next, to answare for his said misdemeanor.

WILLEAM BRADFORD,
TIMOTHY HATHERLEY,
JOHN BROWNE,
JOHN ALDEN.

In answare to a petion preferred by three men belonging to the iron worke att Taunton, requesting that they may bee exempted from training, the Court doth graunt, that att such time as when theire worke is in hand that they are exempted, vnless vpon soñ spetiall occasion of watching that may arise.

In answare vnto two notes receiued from Mr Freeman concerning spoyle done in the Indians corn by horses att Mannomett, the Court ordered and requested him to proportion the fue bushells specified in the last note, and to pay his pte therof, and to signify vnto the rest whome it concernes att Sand-

1655.

4 October.
[BRADFORD,
GOVERNOR.]

widge that they are to pay euery of them their p̄te vnto the Indians. In regard of the first note, it being lost for p̄sent, they desired him to send another note; and for such as it concernes att Plymouth, they will take order that paiment shalbee by them made according to their proportions of both of them.

This is since
remitted by the
Court.

Isacke Bucke, of Scittuate, for refusing to shooe horses which were to bee employed to carry one of the comissioners to New Hauen on the countryes business, is fined twenty shillings.

[*89.]

*Wheras an execution was issued out of the Court in March last against Willam Hailston, of Taunton, in the behalfe of Janathan Briggs, of Taunton aforsaid; and one cow and two steers was therby seized by the marshall, being in the custody of the said Hailston and knowne to bee his cattle; and att the seizing and prising of the same, the said Hailstone did not att all make any intimation, nor any else, that any other pson had any title to any of them, as the marshall testifiyeth; but after they were deliuered vnto the said Briggs, Nicolas White, of Taunton, hath petitioned the Court that the two steers were not Hailstons, but his by a former bargaine, and paied for by him without any fraud, as hee saith; the Court hath taken the same into consideration, and ordered, that att M^r Brownes returne home he call the said White and Hailstone before him; that if the said White doe produce testimony vpon oath that if the steer was bought and deliuered for his vse before the execution was serued, then the steers to bee returned to White, and Hailstone caused to make paiment in other goods; else the steers to remaine as the goods of the said Briggs, his steers, to bee desposed of by him to his best advantage.

WILLAM BRADFORD,
TIMOTHY HATHERLEY,
JOHN ALDEN.

The Court haue ordered, that M^r Arther Howland and Thomas Doged shall procure a survayor to lay out the land in controversy betwixt Thomas Doged and him, who shall doe it according to direction and testimony from Captaine Standish and M^r Alden, and to lay out the line of deuision betwixt them according to the euidences, and to returne what is done vnto the Court, and the charges therof to bee equally borne betwixt them.

Wheras Teage Joanes accused Masshantampaine to haue stolen a gun from him, the Court, haneing heard what can bee said on both sides, can not find that the said gun is the said Joaneses, and doe therefore order Thomas

1655.

4 October.
[BRADFORD,
GOVERNOR.]

Boardman, the constable of Yarmouth, to see the gun deliuered vnto him, the said Masshantampaine, againe.

John Darbey, of Yarmouth, complained att this Court against Masshantampaine, that his doges did him wrong amongst his cattell, and did much hurt one of them. The Court haue ordered and requested M^r Prence and Thomas Boardman to heare and determine the said difERENCE as M^r Prence goeth home.

Masshantampaine being accused to haue a chist full of tooles of all sorts which hee had stolen from the English, to clear himselfe of this accusation, hee deliuered his kees in open Court vnto M^r Prence, that soe hee may seerh his chists.

*Wheras great controuersy hath been amongst the milletary companie of Yarmouth concerning Samuell Rider, their leiftenant, some being for him and soñ against him for continuance in his place, the Court, haueing heard what can bee said on both sides, and esppecially in regard of a writing produced by Robert Dennis therin shewing great abuse done vnto himselfe by the said Rider in many vsufferable and provoking speeches, the p^rmisses by the Court considered, they doe order that Ensigne Hedge shall exercise the companie vntill the aforesaid complaint bee further heard and cleared.

[*90.]

And att this Court, Jane Powell, seruant to Wiltam Swift, of Sandwidge, appeered, haueing been p^rsented for fornication, whoe, being examined, saith that it was comitted with one David Ogillior, an Irish man, seruant to Edward Sturgis; shee saith shee was alured thervnto by him goeing for water one euening, hoping to haue married him, beeing shee was in a sadd and miserable condition by hard seruice, wanting clothes and liuing discontentedly; and expressing great sorrow for her euell, shee was cleared for the p^rsent, and ordered to goe home againe.

Att this Court, the grand enquest p^rsented Richard Beare, of Marshfeld, for swearing by the wounds of God. Testified by Wiltam Maycomber.

The proportions of each towne of what they are to pay towards the charge of the expedition the last yeare in sending out souldiers against Ninnegrett, the Nyanticke sachem.

| | |
|----------------------|--------------|
| Plymouth, | 04 : 01 : 06 |
| Duxburrow, | 03 : 13 : 08 |
| Scittuate, | 06 : 14 : 02 |
| Sandwidg, | 04 : 16 : 01 |
| Taunton, | 03 : 14 : 01 |

| | | |
|-------|-----------------------|--------------|
| 1655. | Yarmouth, | 03 : 14 : 01 |
| | Barnstable, | 04 : 01 : 06 |
| | Marshfield, | 03 : 14 : 01 |
| | Rehoboth, | 06 : 14 : 02 |
| | Eastham, | 02 : 19 : 08 |
| | | <hr/> |
| | | 44 : 03 : 00 |

[*92.]

| | | | | | |
|---------|---|---------------------------|---------|---|------------------|
| sworne. | { | *Captaine James Cudworth, | sworne. | { | John Allen, |
| | | Thomas Chettenden, | | | John Damman, |
| | | Thomas Ensing, | | | Rodulphus Elmes, |
| | | Joseph Colman, | | | Richard Man, |
| | | Edward Jenkins, | | | Abraham Seklett, |
| | | Gowin White, | | | Richard Curtis, |

These twelue men aboue written being impannelled and sworne, this fiftenth of Nouember, 1655, did looke on the body of Thankfull Pakes, the daughter of Wiltam Pakes, to enquire of the vntimely death of it.

By the appointment of mee, TIMOTHY HATHERLEY.

Wee find Wiltam Pakes his well to bee very dangerous, as both in that it lyes att the foot of a hill, as alsoe haueing noe fence aboute itt to preserue a child from shooting or tumbling in; soe the child falling or tumbling in the water was the cause of the death of Thankfull Pakes.

This was the verdict giuen in by the jury concerning the death of Wiltam Pakes his child the 15th Nouember, 1655.

The 16th of February, 1655, they whose names are vnderwritten were panneled on a quest of enquiry about the death of Richard Man.

By mee, TIMOTHY HATHERLEY.

| | | | | | |
|---------|---|---------------------------|---------|---|-------------------|
| sworne. | { | Matthyas Briggs, | sworne. | { | Wiltam Pakes, |
| | | Ensigne John Williams, | | | Jonathan Whetcom, |
| | | Serjeant Gilbert Brookes, | | | Thomas Ensigne, |
| | | Jeremy Hatch, | | | Stenen Viner, |
| | | Rodulphus Elmes, | | | Robert Whetcom, |
| | | Gowin White, | | | John Hoar. |

The verdict of the jury concerning the death of Richard Man.

1655.

Wee find, that by coming ouer the pond from his owne house towards the farmes, that hee brake through the yce, and was in soe deep that hee could not git out, and by reason of the cold of the weather and water made him vnable to healp himselfe, neither could any other p̄sent aford him any healp that could healp him out, though they vsed their best indeauors for the space of about an houre, as is reported to vs by the wittnesses that saw him, in which time hee died. This wee find to bee the cause of his death, as wee all judge.

4 October.
[BRADFORD,
GOVERNOR.]

*This ninth of August, 1655.

[*93.]

| | | |
|---|---|--------------|
| The Treasurer debter to the country vpon balance of | } | 30 : 05 : 04 |
| the account first of August, 1654, | | |
| To non receipts vpon former accounts of Hide Kerbey | } | 30 : 02 : 00 |
| and Hall, | | |
| To fines receiued as appeers by his bill, and not | } | 01 : 15 : 00 |
| charged to account in the former, | | |
| Viz, Elizabeth Randall, 10 ^s , Wiltam Bassett, Seni ^r , | | 00 : 10 : 00 |
| And Leiftenant White, | | 00 : 15 : 00 |

To Fines.

| | | |
|--|--------------|--------------|
| By James Gleghorne, | 05 : 00 : 00 | |
| John Peeke, | 02 : 10 : 00 | |
| John Sprague, | 10 : 00 : 00 | |
| John Woodcocke, | 02 : 00 : 00 | |
| Adonijah Moris, | 02 : 00 : 00 | |
| Joseph Tilden, | 10 : 00 : 00 | |
| More to 11 ^{li} 07 ^s 9 ^d by error placed vpon his credit, | } | 11 : 07 : 09 |
| and not charged debter, | | |
| And to fise pound payed to M ^r Browne, which was | } | 05 : 02 : 00 |
| likewise placed vpon his credit and not charged | | |
| debter ; which moneys, wee vnderstand by examina- | | |
| tion, was paied out of Rehoboths rate, | | |
| To two barrels of oyle, as appeers by his letter, | 04 : 00 : 00 | |
| To a kilderkin of oyle, | 01 : 06 : 08 | |
| Debter in total, | 85 : 06 : 09 | |

From Yar-
mouth.

Besides the 30^{li} 2^s in non receipts.

| | | |
|---|---|--------------|
| The Treasurer debter vpon the ballence of the account | } | 61 : 04 : 09 |
| this 9 th of August, 1655, | | |

Besides the 30^{li} 02^s of non receipts.

1655.

4 October.
[BRADFORD,
GOVERNOR.]

Kennebecke trade debter to the country vpon the bal- }
lence of the account this 9th of August, 1655, } 61 : 04 : 09
Besides the 30^t 2^s of non receipts.
August the 9th, 1655.

JOSIAS WINSLOW,
THOMAS HINCKLEY,
THOMAS CLARKE.

[*94.]

*P contra creditt as appeers by his bills, August, 1654. ll s d

| | |
|---|--------------|
| To Mr Prence on the comission, | 06 : 00 : 00 |
| To Savory, | 01 : 05 : 00 |
| Henery Howland for horse hier, | 02 : 10 : 00 |
| Henery Sampson for hors hier, | 01 : 15 : 00 |
| To Savory, | 00 : 05 : 00 |
| Savory, | 01 : 10 : 00 |
| John Barnes, | 00 : 10 : 00 |
| John Tisdall for horse hier, | 00 : 10 : 00 |
| For letters from Taunton, | 00 : 10 : 00 |
| To Savory, | 00 : 12 : 00 |
| Mr Howland for horse hier, | 00 : 10 : 00 |
| John Smith for fetching of a cow, | 00 : 10 : 00 |
| Marshall Nash, | 02 : 10 : 00 |
| Chapman for ferrying, | 00 : 05 : 00 |
| | <hr/> |
| | 19 : 02 : 00 |

To the Courts acquittance of Mr Cudworths fine, . . . 05 : 00 : 00
Credit in total, 24 : 02 : 00

The country debter to Cap^t Willett and Mr Paddy }
upon the ballence of their owne account as giuen } 23 : 01 : 08
in by them the first of March, 1654, }

And the country creditt to oyle receiued by them this yeare, which they
are to giue account of.

P JOSIAS WINSLOW,
THOMAS HINCKLEY,
THOMAS CLARKE.

**Att the Generall Court held the fift of March, att Plymouth, in the* 1655-6.
Yeare 1655.

5 March.

[BRADFORD,
GOVERNOR.]

[*95.]

BEFOR Wiltam Bradford, Goſſ, Timothy Hatherley,
 Thomas Prence, John Alden, and
 Wiltam Collyare, Thomas Willett,
 Assistants, &c.

A WRITING appointed to bee recorded : —

Wheras att the Generall Court held att Plymouth the 4th of October, 1655, by warrants then issued out to the seuerall townes of this jurisdiction the said townes were required to send in their minds vnto the Court held the fift of March, 1655, to treat and conclude about the leting of the trad att Kennebecke, and that sundry of the said townes sent in their deputies for that purpose, some of them omiting to send, they that then appeared seeing a great nessesitie for the speedy leting of the said trad, they therefore haue agreed and sett the trad vnto M^r Wiltam Bradford, Senī, M^r Thomas Prence, and Cap^t Thomas Willett, for the full tearme of seauen yeares, begiñing when the former tearme shalbee fully expired, they yeilding and paying into the hands of soñ man whom the countrey shall appoint for the receipt therof the summe of thirty-fue pounds certaine p annum, and this to bee paid in monney, or moose or beauer, att prise current, which paiment is to bee made att two seuerall paiments every yeare, viz^o, the one halfe on the last of Aprill, and the other halfe on the last of Nouember, during which tearm of seauen yeares aboue expressed the said pteners, viz^o, Wiltam Bradford, Thomas Prence, and Thomas Willitt, haue full and free liberty to improue and imploy the said trad to the best advantage they can for themselues and the countrey; and they, the said Wiltam Bradford, Thomas Prence, and Thomas Willitt, doe couenant for themselues, and their exequitors, adminnistrators, and assignes, that for such of the said seauen yeares as they shalbee able out of the produce of the said trad to pay other fue pounds, they promise to giue it in species aboue expressed; an they, the said Wiltam Bradford, Thomas Prence, and Thomas Willett, doe couenant and engage for themselues, and their exequitors, adminnistrators, and assignes, that att the end of the abouesaid tearme of seauen yeares, that their debts of beauer amonge the Indians shall not bee aboue the number of fue hundred skines, two hundred and fifty of them to bee vallued att 8^s a skin, and the other two hundred and fifty to bee vallued att 4^s a skin; and if the pteners that then shall haue the trad shall not

1655. }
 5 March.
 [BRADFORD,
 GOVERNOR.]

soe accept of them, that then the said Wiltam Bradford, Thomas Prence, and Thomas Willett, they, their exequitors, adminestrators, and assignes, have heerby libertie to take the best and fairest course they can for the procuring in of their said debts.

Such as appeered from some of the townes of this jurisdiction, and acted in the setting and letting of the trad att Kennebecke in the behalfe of the cuntry as is aboue expressed, were those whose names are vnderwritten : —

M^r Wiltam Collyare,
 M^r Timothy Hatherley,
 M^r John Alden,
 Capti James Cudworth,
 M^r Josias Winslow, Seni^r,
 M^r Edmond Hawes, for both Yarmouth and Barnstable.
 Constant Southworth.

Eastham sent in their minds by writing.

It was further agreed by the p^rties aboue expressed, that notice should then bee forthwith giuen to the seuerall townes, that incase they or any of them should dislike of what was don as abouesaid, they should send in their dislike therof in fourteen daies after this Courte.

[*96.] *The Court haue ordered and requested M^r Prence to adminnester an oath vnto the widdow Darbey, so^metimes the wife of John Darbey, of Yarmouth, deceased, for the truth of the inuentory of his estate.

The like is requested of M^r Hatherley in respect vnto the estate of Richard Man, late deceased att Seittuate.

Att this Court, Sarah, the daughter of Richard Kerbey, of Sandwidge, appeered according to summons, and being examined concerning diuers suspicious speeches by her vttered against Richard Bourne and M^r Edmond Freeman, of Sandwidge aforesaid, & is found faulty, and sentenced by the Court to bee punished seuerely by whipping, onely the execution therof is respited, that incase shee bee warned by the present centance and admissiion to offend noe more in this kind, that then the said punishment not to bee inflicted, otherwise to bee executed.

Richard Beare, being p^rsented for swearing by the wounds of God, not appeering by reason of sicknes or lamenes, it is refered vntill the next Court.

Presentments by the Grand Enquest.

1655.

Wee p̄sent M^r Thomas Robenson and Humphry Johnson, of the towne of Scittuate, for not makeing a rate, being legally chosen. Fined according to order.

5 Mareh.
[BRADFORD,
GOVERNOR.]
Fined 40.

Wee p̄sent John Gorum for vnseamly carriage towards Blanch Hull att vnseasonable time, being in the night.

Wee p̄sent Blanch Hull for not crying out when shee was assaulted by John Gorum in vnseemly carriage towards her vpon her owne relation. Fined fifty shilli.

Wee p̄sent Robert Crossman for breaking open the pound by taking downe a rayle and taking out his calues, tending to breach of peace and disturbance of the naighbourhood.

Wee p̄sent Richard Turtall for laciuiouse carriage toward Ann Hudson, the wife of John Hudson, in taking hold of her coate and inticing her by words, as alsoe by taking out his instrument of nature that hee might preuaile to lye with her in her owne house.

Wee p̄sent to this honered Courts consideration the death of two men vnattested, viz^t, John Granger, of Marshfeild, and Richard Man, of Scittuate.

Att this Court, complaint was made against Benajah Dunham for foolish and provoking carriages, in drawing his knife vpon sundry p̄sons att Taunton, which might haue proued of ill consequence; but being examined by the Court, and denyng the mayne p̄te of the accusation, it rested for further prooffe.

**Att a Court of Asistants held att New Plymouth the sixt of May, 1656.*

1656.

6 May.

[*97.]

BEFORE Wiltam Bradford, Gou,
Wiltam Collyare, and John Alden,
Asistants, &c.

IN answare to a petition prefered to the Court by Thomas Doged, of Marshfeild, wherein the said Thomas Doged requested that a jury might bee impanneled to make deuision of a certaine tract of land soald by M^r Edmond Freeman, of Sandwidge, Seni^r, vnto M^r Arther Howland and Thomas Chillingsworth, deceased, lying att the South Riuer, in the township of Marshfeild, the Court haue ordered, there shalbee a jury of twelue men that shall

1656.

6 May.
[BRADFORD,
GOVERNOR.]

determine the laying out of the said land, and shall fully end the controversy betwixt the said Arther Howland and Thomas Doged about the said land; the said jury is to bee impaneled att the next Generall Court.

Wheras, for the satisfying of a debt of 35 pound due vnto M^r Isacke Allerton from Godber Godbersom, an extent was layed vpon the land of M^r John Combe att Rocky Nooke, in the towneship of Plymouth, in the yeare 1648, the fift of August, by M^r Thomas Cushman as the agent of the said Isacke Allerton, these are to signify, that in the yeare 1654, the said Thomas Cushman receiued the last paiment of the proffetts of the said lands, and att this Court hath brought in his account of the proffetts of the said land, and therupon the extent is taken of, and the said land is discharged. The account is as followeth:—

| | l | s | d |
|---------------------------------|----|----|------------------|
| It, in corn receiued, | 19 | 01 | 00 $\frac{1}{2}$ |

It, in fruite receiued, one hundred ninety one bushells and an halfe of aples.

Att this Court Richard Bear appeered, whoe was formerly p^sented for swearing by the wounds of God, being reproued and paying the fine, was released of this p^sentment.

Eres of adminnestration was graunted vnto Richard Beare, to adminnester on the estate of John Granger, deccased.

Eres of adminnestration was graunted vnto the wife of Richard Man, late deccased, to adminnester on his estate; and Cap^t James Cudworth engageth to saue the Court harmles from any dammage that might cofi to them therby.

The wife of Richard Man, deccased, doth giue vnto her three youngest children, to each of them fiue pounds; and Captaine Cudworth standeth bound to see the same p^ormed out of the estate of the said Richard Man.

**Att a Generall Court holden att Plymouth the third Day of June, 1656.*

3 June.
[BRADFORD,
GOVERNOR.]
[*98.]

BEFORE Wiltam Bradford, Goũ, Timothy Hatherley,
Thomas Prence, John Alden, and
Wiltam Collyare, James Cudworth,
Asistants, &c.

M^R WILŁAM BRADFORD, Seni^r, was chosen Goũ, and sworne.
M^r Thomas Prence, M^r Wiltam Collier, M^r Timothy Hatherley, Cap^t
Myles Standish, M^r John Alden, Cap^t Thomas Willett, and Cap^t James Cud-
worth, were chosen Asistants, and sworne.

M^r Wiltam Bradford, Seni^r, and } were chosen coõmissioners, and Cap^t
M^r Thomas Prence, } Cudworth next in nomination.
M^r John Alden was chosen Treasurer.

The Names of the Coõmittees that serued att this Court and the Adjournment
therof.

| | |
|----------------------------------|-------------------------------|
| M ^r John Howland, | Richard Williams, |
| John Dunham, Seni ^r , | Anthony Annable, |
| John Cooke, | John Smith, |
| Thomas Clarke, | M ^r Edmond Hawes, |
| Constant Southworth, | Samucll Arnold, |
| Wiltam Paybody, | M ^r Anthony Eames, |
| Cap ^t Cudworth, | Anthony Snow, |
| Robert Studson, | M ^r Stephen Payne, |
| Thomas Tupper, | Wiltam Carpenter, |
| James Skiffe, | Richard Sparrow, |
| Leiftenant Wyate, | M ^r John Freeman. |

Cap^t Cudworth being chosen majestrate, Leiftenant Tory was chosen and
did act att the adjournment as deputie.

The Cunstable of the seuerall Townes.

| | |
|-----------------------|------------------|
| Plymouth, | John Rickard. |
| Duxburrow, | Edward Hunt. |
| Bridgwater, | John Carrew. |
| Scittuate, | Abraham Suttley. |

1656.

3 June.
[BRADFORD,
GOVERNOR.]

| | | |
|-------------|-----------|-----------------------|
| Sandwidg̃, | | Myles Blacke. |
| Taunton, | | Francis Smith. |
| Barnstable, | | Abraham Blush. |
| Yarmouth, | | Richard Tayler. |
| Marshfeild, | | { Timothy Williamson, |
| | | { Gorg̃ Vaughan, |
| Rehoboth, | | Willam Sabine. |
| Eastham, | | Jonathan Sparrow. |

Fine. Mr Thomas Robenson, refusing to take the oath of a cunstable, being therunto required, is fined according to order fifty shillings.

[*99.]

*The Grand Enquest.

| | | | | | |
|------------------------|-------------|---------|-----------------------|---|---------|
| Christopher Wadsworth, | } | sworne. | Eluerton Crow, | } | sworne. |
| Henery Bourne, | | | Will Eldred, | | |
| Henery Wood, | | | Samuell Jackson, | | |
| Thomas Laythorpe, | | | Resolved White, | | |
| Samuell Elson, | | | Arther Hathaway, | | |
| Samuell Hiekes, | | | John Merritt, absent, | | |
| James Walker, | | | Leiff Peter Hunt, | | |
| Thomas Doged, | | | Willam Buckland, | | |
| Gorge Maeye, | | | Willam Allen, absent, | | |
| Josias Cooke, | John Rouse. | | | | |

The Survayors for the Highwaies.

| | | | |
|------------|-----------|---|----------------------|
| Plymouth, | | } | Ephraim Tinkham, |
| | | | Willam Harlow, |
| | | | Willam Shirtley, |
| | | | James Cole, Junier. |
| Duxburrow, | | } | Henery Howland, |
| | | | John Traeye, |
| | | | Thomas Ensigne. |
| Scituate, | | | Walter Woodward. |
| Sandwidge, | | | ^ |
| Taunton, | | } | Henery Andrews, |
| | | | Robert Thornton. |
| Yarmouth, | | } | Samuell Rider, Senr. |
| | | | Andrew Hallott. |

| | |
|---------------------|--------------------------------------|
| Barnstable, | { Mr Samuell Hinckley, John Daus. |
| Marshfeild, | |
| Rehoboth, | { Gorge Crispe, John Mayo. |
| Eastham, | |

1656.
3 June.
[BRADFORD,
GOVERNOR.]

Micaell Turner, for refusing to serue on the grand enquest, fined, accord- Fine.
ing to order, twenty shillings ; and another to bee sent in the name of Wilłam
Eldred, of Yarmouth.

Freemen admitted this Court, and sworn.

| | |
|----------------------------|-----------------|
| Mr Wilłam Bradford, Junir, | John Rickard, |
| Thomas Laythorpe, | Wilłam Bassett, |
| Wilłam Haruey, | Wilłam Walker. |
| Joseph Laythorpe, | |

The Names of such as stand propounded to take vp their Freedome.

| | |
|---------------------|-------------------|
| Richard Tayler, | Wilłam Nelson, |
| Eluerton Crow, | John Tracey, |
| Wilłam Pakes, | Joseph Wadsworth. |
| Timothy Williamson, | |

The Court haue ordered, that henceforth such as are admitted freemen, See for this,
the deputies of such townes as where such psons liue shall propound them to Book of Order,
the Court, being such as shalbee alsoe approued of by the freemen in such June Court,
townes wher they liue. 1657.

*‡The Court haue graunted vnto Captaine Myles Standish, according to [*100.]
his request, a certaine tract of vpland of three hundred acres and meddow, ly- Of this see
ing about a pond called Satuckquett Pond, neare Duxburrow New Plantation.‡ more the sea-
Ordered, that henceforth Duxburrow New Plantation bee allowed to bee uenth page for-
a townshipe of yt selfe, distinct from Duxburrow, and to bee called by the ward in this
name of Bridgewater, prouided that all publicke rates bee borne by them with booke.

Att this Court Wilłam Nicarson appeered, being suıoned to answare for Fine.
his buying of land of the Indians, contrary to order of Court, and for selling
of a boat to the Indians, against a warrant directed to Yarmouth strictly pro-
hibiting the same, haucing left the boate to bec the Indians ; concerning his
breach of order in buying of the land, hee lyeth vnder the fine and penalty
expressed in the order for the breach therof ; and for his contempt of the
warrant, hee is disfranchised his freedome.

1656.

3 June.
[BRADFORD,
GOVERNOR.]

Wheras Joseph Ramsden hath liued long in the woods, in an vnciuell way, in the woods, with his wife alone, wherby great inconveniencies haue followed, the Court haue ordered, that hee repaier downe to suñ neighborhood betwixt this and October next, or that then his house bee pulled downe.

Fine. Wheras M^r Willam Leuerich hath stood soñtime p^sented for changing a gun with an Indian, contrary to order, and was by the said order fined the summe of fifteen pounds, the Court, vpon some considerationes, haue abated five pounds therof, soe that hee is now to pay the sum of ten pounds.

Twenty four shillings is allowed to Thō Burgis for bringing horses from Sandwidge for the countreyes vse.

The summe of four pound is receiued from Barnstable on the account for the charge of the expedition against Ninnegrett, the Nianticke sachem.

Att this Court, a jury was appointed to giue meeting to M^r John Alden, Asistant, on the 18th day of this p^sent June, att the house of M^r Arther Howland, att the South Riuer, by the said M^r Alden to bee impanneled to lay out or deuide the lands of the said Arther Howland and Thō Chillingsworth, deceased, according to their best euidence.

Theire names are as followeth : —

| | |
|-------------------------------|------------------------|
| M ^r Anthony Eames, | Christopher Wadsworth, |
| Thō Bird, | Gorġ Soule, |
| Joseph Andrews, | Constant Southworth, |
| Leiftenant Torry, | Gorge Russell, |
| Ensigne Williams, | John Russell, |
| Serjeant Johnson, | John Hallott. |

P^sented by the
grand enquest;
since cleared
with amonis-
sion.

Wee p^sent Timothy Halway, of Taunton, for his euill carriage vnto Peter Pitts, tending vnto the breach of the peace; that is to say, that if Peter Pitts did stirr to driue the oxen which then hee had in his possession, going to worke, that hee, that is, the afor^sd Timothy, would strike Peter downe, haueing a pitchforke in his hand, although hee should bee p^sently hanged for it.

[101.]

*Ordered by the Court, that it bee signified to the towne of Scittuate that they take soñ speedy course to run the line between the pond and the head of Indian Head Riuer and Accord Pond; or otherwise, if they neglect the same, and the Court doe graunt land, and it bee found prejudiciall to them, they may blam themselues.

Ordered, that the fine of ten pound vpon M^r Leueridge bee appointed to satisfy for horshier, and it to bee brought to Plymouth, and deliuered to such a pson as the Treasurer shall appoint.

1656.

3 June.
[BRADFORD,
GOVERNOR.]

Att this Court, Wiltam Hailstone was required to make paiment of the summe of 15^{li}. for the paiment wherof there was formerly a judgment passed on the said Hailstone to pay the said summe vnto Jonathan Briggs, which hath been neglected; and incase the said Hailstone doe not forthwith, on his returne home, make paiment therof, the cunstable of Taunton hath order to attach soe much as will satisfy the said summe; or incase hee can not find either lands, goods, or chattels to the vallue therof, hee is required by the said warrants to attach his pson, and by sufficient surties to keep him safely, soe as hee may appeer att the adjournment of this Court to bee holden att Plymouth afsaid the first Tusday in July next, to answare for his said neglect.

Att this Court, Ralph Chapman complained that hee could noe longer keep the ferry att the North Riuer; and that if hee should bee constrained to keep it, that it would bring him to extreme pouerty and missery. The Court haue therefore freed him therof, vnesse att soñ speciall times, as Court times or the like; then hee engageth to fetch the majestrates liueing att Scituate ouer, if they shall require it.

A Receipt appointed to bee recorded.

1656. Received, this 29th of Aprill, of Stephen Paine, cunstable of Rehoboth, seaenty nine bushells of wheat, att 4 shillings p bushell, and comes to fifteen pounds sixteen shillings, and is for their countrey rate, viz^s, for their proportion for the expedition against Ninnegrett, six pounds 14^s 2^d, to bee consigned to M^r Lake, of Boston; and for the majestrates table for the Gou^l account 3^{li} 6^d more; to the head marshall their pportion, which is six pound one shilling, to bee answered to M^r John Webb, of Boston; I say, receiued as aboue the summes aboue expressed, the day and yeare as aboue.

Witnesse my hand,

THOMAS WILLETT.

**Att the 2^{cond} Session of the Generall Court, held att Plymouth the 3^d of July, 1656.*

3 July.
[*102.]

BEFORE Wiltam Bradford, Gou^l,
Wiltam Collyare,
Timothy Hatherley,

John Alden, and
James Cudworth,

Asistants.

Of this graunt
see more in this
booke, in the
passages of
June Court,
1654.

THE Court haue graunted vnto M^r Timothy Hatherley a tract of land, to begin att Accord Pond, on the souther side of the line, and to run

1656. three miles southerly towards the Indian Head Pond, and to bee layed out three miles square.

3 July.
[BRADFORD,
GOVERNOR.]

Wheras, att March Court last past, Wilłam Collyare, M^r John Alden, Cap^t James Cudworth, M^r Josias Winslow, Seni^r, and Thomas Clarke were requested by the Court to goe to Cap^t Standish to examine and pfect the accounts betwixt Cap^t Standish and the countrey; accordingly the said M^r Alden, Cap^t Cudworth, and Josias Winslow mett att the day appointed; and the other two not appeering, they, the said M^r Alden, Cap^t Cudworth, and Josias Winslow, examined the said accounts from the yeare 1653 to that p^rsent time, which said account, being examined as aforesaid, is now brought and p^rsented to the Generall Court held att Plymouth the 4th of July, 1656, vnto which said account was aded the account of Henery Draitons goods, as alsoe two pounds eighteen shillings and sixpence payed vnto Cap^t Standish by M^r Paddy, together with two barrells of oyle receiued and disposed of by the said Cap^t Standish for his owne vse; the finall result of all which accounts is, that the said Cap^t Standish is debter vnto the countrey fifteen pounds or therabouts; and wheras Cap^t Standish, as being Treasurer for the countrey, hath receiued noe allowance for sallary for the two yeares last past, in consideration wherof the Court did freely allow the said fifteen pounds vnto the said Cap^t Standish, all accounts being cleared betwixt Cap^t Standish and the countrey from the begiⁿning of the world to this day; furthermore, att the same time, att the motion of the Go^v, with the free conceit of the whole Court, the two barrells of oyle in the hands of M^r Alden, were freely giuen vnto the said Cap^t Standish as a gratuitie from the countrey.

Robert Abell is allowed by the Court to keep an ordinary att Rehoboth.

The Court haue appointed and deputed M^r Joseph Peecke to adminnester marriage att Rehoboth; and the said M^r Peck, M^r Stephen Payne, and Richard Bowen are appointed and authorised to heare and determine all controuersies there betwixt any, soe as it amount not to aboue the vullue of three pounds, libertie being left to any [to] make their appeal to the Court of Plymouth, if their shalbee reason.

The Court haue giuen liberty vnto James Skiffe to purchase the land graunted to him att Mannomett of the Indians there; and incase there shalbee a smale matter of land more lying next to that alreddy graunted him, the Court haue graunted him liberty to purchase it likewise, and to haue it as his owne for euer, to him and his heires foreuer.

[*103.] *An agreement made the eighteenth of June, 1656, between M^r Arther

Howland and Thomas Dogged, both of Marshfeild, made before M^r John Alden and Capt^t Cudworth, Asistants, and the jury that were appointed by the Court to deuide the land in controuersye, confeirming the deuission of the vpland and meddow land of M^r Arther Howland, and the land of the heires of Thomas Chillingsworth, deceased, in mannor as followeth, viz^t: They doe heerby agree that M^r Arther Howlands marsh and the marsh of the heires of Thomas Chillingsworth shall deuide where the fence now stands, from the vpland to a little creeke, and soe as that creeke runs into the South Riuier, which said creeke is the first creeke that lyeth easterly from a great rocke lying in the meddow.

It is further agreed by them, that the vpland shall deuide att a marked oake that standeth on the north side of the cart way, and soe from that tree to run vpon a norwest and southeast line. It is likewise agreed by them, that this theire agreement shalbee recorded in Court; in wittenesse wherof the said M^r Arther Howland and Thomas Dogged haue heerunto sett theire hands the day and yeare abouewritten.

ARTHER HOWLAND,
THOMAS DOGED,
his **T** marke.

To the honored Gouernor and the rest of the body of the honered Court att Court att Plymouth, the returne of the fulfilling of the attachment about Wiltam Hailstone and Jonathan Briggs, both of Taunton.

I, Jonathan Briggs, doe most thankfully certify, that I haue receiued full satisfaction of Wiltam Hailstone, of the summe of fifteen pounds, which was awarded to mee by you, to bee paied vnto mee by the said Wiltam Hailstone for his neglect and wrong don to mee in not instructing mee in the mistery of a tayler, according to his engagement; and heerunto I haue sett my hand, June 21, 1656.

The marke of  JONATHAN BRIGGS.

Witnesses heerunto.

James Wiatt,

Francis **F** Cunstable
Smith, **F** of Taunton,

John Tisdall,

John Deane.

*The Court doe allow vnto M^r Thomas Prence, for his going vnto Kennebecke in the behalfe of the countrey to settle the goũment there, a smale

[*104.]

1656.
3 July.
[BRADFORD,
GOVERNOR.]

1656.

3 July.
[BRADFORD,
GOVERNOR.]

gratuitie of the summe of six pounds, to bee paid either in that which is due to the countrey from Kennebecke, or in oyle due to the countrey, acknowledging it to litle ; but in regard of the low estate of the countrey, and the many charges on the same, they request him to accept it ; and incase hee shall not judge it sufficient, they are willing to enlarge.

Fifty acars of land is graunted to Robert Studson, aded to twenty acres which hee hath bought, which was James DAVIS his land, for which the said Robert Studson shewed a deed in Court ; the said fifty acars of land to lye to the seaward of Plymouth Path, towards the Indian Head Riuer, incase it bee found not to intrench on any former graunts ; and incase it shalbee soe found to doe, then to haue it in soñ other conuenient place where hee shall find it.

Wheras there hath been complaint made from time to time, by the neighboring Indians on the towne of Rehoboth, of great and unsufferable wronges don in their corn by the horses and other cattle of the inhabitants of Rehoboth aforesaid, and that we are informed that the fences between the English and Indians there are in a good measure finished ; but wheras notwithstanding, by the reason that many horses and other cattle haue been wonted to goe into the Indians corn, wherby noe reasonable fence will keep them out, as alsoe the horses and other cattle being apte to swime through the water to the said corne, where noe fence can bee sett vp, the Court haue ordered, that if the horses or other cattle shall breake in oñ way or other and treaspase the said Indians, then they haue heerby liberty to driue any such horses or other cattle soe treaspasing to Rehoboth towns pound, and shall demand of the owners of such horses or other cattle six pence a peece, sucking foales excepted ; and for such treaspas as shalbee don, the said Indians treaspassed shall take two English men of Rehoboth to judge their dammage, and the owners of the said horses or other cattle shalbee lyable to make good the same.

Thomas Clarke engageth to lend vnto the countrey soe much wheat as will satisfy a debt of fve pounds to those that haue wrought about Joanes Riuer bridge ; and incase hee soe doe, hee is to bee paid by the Treasurer soñ time in March next, incase hee receiue it of the countrey.

Ordered, that for this p̄sent yeare the rates of Duxburrow, Bridgewater, and Marshfeild bee paid to the cheife marshall, the one halfe in wheat, and the other halfe in Indian corn.

The Court haue ordered, that for this p̄sent yeare that the towne of Bridgewater is to beare one p̄te of three with Duxburrow of their proportions of the countrey rates for the officers wages and other publicke charges.

Isacke Bucke his fine of twenty shillings is remited by the Court.

[105.]

*Att this Court, the cōmittees of the seuerall townships were required to

expresse themselues p̄ticularly whether they would agree vnto that which hath been don in letting of the trad att Kennebecke according to the tearmes agreed by the p̄ties that haue lett itt to the p̄teners, as is expressed in deed drawne vp for that purpose, to which they haue giuen a generall concent in the behalfe of there townships respectuely.

The Treasurer is appointed in the behalfe of the countrey annually to receiue the pay for the rent of the trad att Kennebecke for euery of the seauen yeares.

It is ordered by the Court, that any one that for the future shalbee p̄sented to the Court for any fact on the testimony of one wittnesse, although vpon oath, shall not bee for the same condemned without a cecond wittnesse or concurring cercomstances.

*Att the Generall Court holden att Plymouth the third day of June, anno 1656, three hundred acres of vpland is graunted by the Court vnto Captaine Myles Standish, with a competencye of meddow to such a proportion of vpland lying and being att Satuckquett Pond, prouided it come not within the Courts graunt of Bridgwater; the said three hundred acres of vpland, with a competencye of meddow to such a proportion, with all and singulare the appurtenances and priuiledges belonging therunto to appertaine only to the proper vse and behoofe of him, the said Capt̄ Myles Standish, his heires and assignes, for euer.

Att this Court, Wiltam Hailstone, of Taunton, preferred a petition to the Court, therein requesting to haue a review of the case betwixt Jonathan Briggs and himselfe concerning the complaint of the said Briggs against the said Hailstone for not learning him the trade of a tayler, according to couenant. The Court, vpon pusall of the said petition, not seeing sufficient reason to admitt therof, yett notwithstanding, to prevent clamors, gaue way thervnto, which being tendered vnto him, hee declined it, and could not review the said case.

September the 17th, 1656.

I, Jonathan Briggs, of Taunton, for diuers reasons and considerations mouing mee therunto, haue made choise of M^r Thomas Prence, of Eastham, in the jurisdiction of New Plymouth, to bee my guardian vntill I come to the age of twenty one yeares. This was done before Wiltam Bradford, Go^u, the day and yeare aboue written.

1656.

3 July.
BRADFORD,
Go^u.

{*106.]

1656.

**Att the Generall Court holden att New Plymouth the fift of
October, 1656.*

5 October.
[BRADFORD,
GOVERNOR.]
[*107.]

| | |
|------------------------------|--------------------|
| BEFORE Wiltam Bradford, Goũ, | Timothy Hatherley, |
| Thomas Prence, | John Alden, and |
| Wiltam Colliare, | James Cudworth, |
| Assistants, &c. | |

WILLIAM BARSTOW, of Scittuate, conenanteth and ingageth to make a good and sufficient bridge ouer the North Riuer, a little about the third herring brook, att a place called Stoney Reach, being the place wher now passengers goe frequently ouer, the said bridge to bee made sufficient for horse and foot; and hee is to lay out, and clear, and marke a way from the said bridge towards the bay as far as Hughes Crosse, and to open, and cleare, and marke a way along beyand Hughes Crosse towards the bay, soe as to avoid a certaine rocky hill and swamp; and for the true pformance of all the said pticulars, the said Wiltam Barstow is to bee paied by the Treasurer in the behalfe of the countrey the summe of twelue pounds in currant countrey pay.

In the controversy betwixt M^r Thõ Dexter, Senir, and some of his naighbors of the towne of Barnstable, about a hieway, the Court haue appointed and requested M^r Prence and Cap^t Cudworth to take a view of the place in controversy in which the way aforesaid is desired to bee, and incase they can, to put it to an end; but if they can not, to make report vnto the Court of the state of the matter.

Lres of adminnestration are graunted vnto Joanna Kemton, to adminnester vpon the estate of Ephraim Kemton, deceased.

Lres of adminnestration are graunted vnto Bathsheba Pratt, to adminnester on the estate of Joshua Pratt, deceased.

Ouer and about the ordinary rates for the officers wages, &c, there is seuenteen pounds and fve shillings due as our collonies proportion of what is engaged vnto Captaine Younge for his sallary, whoe was hiered by the comissioners of the Vnited Collonies for a certaine time frequently to sayle betwixt Longe Iland and the maine.

And the sume of twenty pound, due for the hier of a gaurd for the comissioners att their last meeting att Plymouth.

[*108.]

*Wee, whose names are vnderwritten, being summoned by Wiltam

Bradford, Goſt of Plymouth, as a queſt of enquiry to enquire of the ſudden death of Titus Waymouth, doe testify as followeth : —

1656.

Haucing viewed the dead body of the ſaid Titus Waymouth, and finding neither wound, or bruise, or other thing which might cauſe his death, onely that, as is testified, hee haucing been a man oftens troubled with ſtopings, together with drinking of cyder, wee conceiue might bee the cauſe of his ſudden death.

5 October.
[BRADFORD,
GOVERNOR.]

Subscribed with our hands the 17th of October, 1656.

| | | | | |
|---|---|---------|---|--|
| GABRIELL FALLOWELL, his <i>ſ</i> marke. EDMOND TILSON, THOMAS WHITNEY, his T marke. THOMAS POPE, JOHN MORTON, SAMUELL HICKES, | } | sworne. | { | JOHN JOURDAINE, JOHN WOOD, SAMUELL DUNHAM, GYLES RICKARD, Seni ^r , WILLEAM SHIRTLEY, JOHN SMITH, his marke. |
|---|---|---------|---|--|

The ꝑticulars of what was found to belong to the ſaid Titus Waymouth at his death, viz^d, in Plymouth.

| | l | s | d |
|---|--------------|----|----|
| I ^t , from Samuell Mayo for wages due, | 04 | 16 | 00 |
| I ^t , a ſuit of clothes valled att | 01 | 10 | 00 |
| I ^t , a hatt, | 00 | 10 | 00 |
| I ^t , a compaſſe diall, | 00 | 05 | 00 |
| I ^t , a holland ſhirt, | 00 | 07 | 00 |
| | 07 : 08 : 00 | | |

The charges for his buriall.

| | | |
|---|--------------|---------|
| I ^t , for a winding ſheett, 5 yards of lockorum & thrid, | 08 | 05 |
| I ^t , for a coffin, | 00 | 08 : 00 |
| I ^t , for digging the graue, | 00 | 03 : 00 |
| I ^t , to the clarke of the Court, | 00 | 02 : 06 |
| I ^t , to the charges of the ordinary, | 00 | 12 : 00 |
| I ^t , paied in money to him of his wages, | 00 | 12 : 00 |
| | 02 : 03 : 11 | |

| | | |
|---|---|--------------|
| Remaines due to the heires of the ſaid Titus Way- mouth, to bee paied by Samuell Mayo, | } | 05 : 04 : 00 |
| There is due alſoe, which was forgotten, in money, | } | 00 : 01 : 00 |

1656.

5 October.
BRADFORD,
Gov.

And wheras reports passed that hee, the said Titus Waymouth, had a chist and other thinges att Boston wherein possibly soñ writings might bee which might bee vsefull for the demaunding of some debts, which, as is said, is due to him in Verginnia, a letter was directed to the goument of the Massachusetts to take such course about the pmisses as they should judge meet.

3 February.
[* 109.]

**Att the Court of Asistants holden att New Plymouth the 3^d of February, 1656.*

BEFORE Wiltam Bradford, Gov, and
Wiltam Collyare and Thomas Willett,
Asistants, &c.

IN a controversy betwixt Thomas Lucas and the widdow Dotey about reckonings betwixt them, the said Lucas is to pay to the widdow Dotey 3^s, and soe the controversy is ended.

Concerninge the controversye betwixt Francis Billington and Edward Gray about two iron wedges, the Court, haueing heard the vtmost that could bee said about it, found a cupple of wedges, which the said Billington layed claime to, to bee his, and ordered they should bee deliuered to him, viz^d, a wedge with a marke or hole on each side, which came by the hammering of it accidentally, and the other a smale entering wedge, which was found behind M^{rs} Attwoods house.

In the controversye betwixt Francis Billington and Wiltam Browne about some wages hee claimed for his son Joseph, whoe was hiered by the said Browne for a month to sayle with him, the Court haue ordered that the said Browne shall pay vnto the said Billington 4^s, to bee aded to 4 daies workes hee oweth the said Browne for alreddy, and soe the controvereye is ended.

Att this Court, the cunstable of Taunton brought a certaine Scote, a single man, and an Irish woman named Katheren Aimes, whome hee had apprehended vpon suspision of comiting adultery each with other; but the Court, haueing examined them, could not proceed to punish them for want of clearer euidence; but haueing intelligence that sundry in Taunton could giue euidence in the case, whoe were not p^rsent, the Court comited the said man and woman to the custidy of the marshals vntill the next Court, and

summoned in the wittnesses to appeer att the said Court, viz^o, Alexander Aines, John Muckclay, Daniell Muckeney, Scotsmen, and a certaine Irish woman named Elizabeth; her other name non p^rsent doe know. 1656-7.

3 February.
[BRADFORD
GOVERNOR.]

Att this Court, complaint was made against Jane, the wife of Wilłam Launder, of Sandwidg^e, and Sarah, the daughter of Richard Kerbey, for disturbance by them made in the publicke worship of God on the Lords day att Sandwidge, by opposing and abusing the speaker amongst them, whervpon the said p^rties were summoned to appeer att the next Court to answare for their said misdemeanor.

Att this Court, complaint was made that Nicolas Vpsiall, and Richard Kerbey, and the wife of John Newland, & others, did frequently meet together att the house of Wilłam Allin, att Sandwich, on the Lords day, and att other times, att which meetings they vsed to invey against minnisters and majestrates, to the dishoner of God and contempt of goũment; the Court haue therfore directed sommons to the cunstable of Sandwich to require the said Wilłam Allin, Richard Kerbey, and the wife of John Newland psonally to appeer att the next Generall Court, to answare for the said misdemeancors; and the said Nicolas Vpsiall being onely lycenced by the Court formerly to stay att Sandwidge vntell the extremitie of winter is ouer, is by spetiall order now warned to depart the goũment by the first of March next; and Trustrum Hull, whoe brought him into the goũment, is, according to order, required to carry him away againe by the time beforementioned.

**Att the Generall Court holden att Plymouth the fift Day of March,* 5 March.
Anno 1656. [*110.]

BEFORE Wilłam Collyare, John Alden, and
Timothy Hatherley, Thomas Willett,
Assistants, &c.

The Gou^r was
sicke att this
Court.

ATT this Court, Wilłam Paule, Scotchman, for his vnclean and filthy behaiour with the wife of Alexander Aines, is centanced by the Court to bee forthwith publickly whipt, and *and* to paye the officers the charges of his imprisonment and punishment, which accordingly was pformed.

Att this Cour, Katheren Aines, for her vnclean and laciuiose behaiour with the abouesaid Wilłam Paule, and for the blasphemous words that shee

1656-7. hath spoken, is centanced by the Court to bee forthwith publickly whipt heer att Plymouth, and afterwards att Taunton, on a publicke training day, and to were a Roman B cutt out of ridd cloth and sowed to her vper garment on her right arme ; and if shee shalbee euer found without it soe worne whil shee is in the goūment, to bee forthwith publickly whipt.

5 March.
[BRADFORD,
GOVERNOR.]

Alexander Anis, for his leaucing his family, and exposing his wife to such tentations, and being as baud to her therein, is centanced by the Court for the p̄sent to sitt in the stoekes the time the said Paule and Katheren Anis are whipt, which was p̄formed ; and the said Alexander Anis is to pay the charges of his wifes imprisonment and punishment, which said charge, in regard the said Anis is very poor, is to pay it by twelue pence p weeke vntill it is all payed ; and James Walker, of Taunton, is appointed to recieue it in the countreyes behalfe.

Willam Allin
cleared of his
bonds.

Willam Allin oweth vnto his highnes the Lord Protector the } 20^{li}
summe of }

The condition, that if the said Willam Allin shall appeer att the Generall Court to bee holden att Plymouth the first Thursday in June next, and bee reddey to make answare for his allowance of a meeting in his house tending to disturbance, and in the mean time shall not allow of any such meetings in his house as hee hath don, but shall hinder the same, and not depart the said Court without lyeence ; that then, &c.

Sarah Kerbey, for her disturbance of the publicke worship of God, after admouision and centance formerly giuen against her, which was, to bee publickly whipt, is now ordered to bee p̄formed, and soe accordingly was exequed.

Jane, the wife of Willam Launder, for the like offence, viz^t, disturbing the publicke worship of God on the Lords day, att Sandwich, is centanced to bee publickly whipt, onely the execution therof is respeted, that incase shee shalbee warned by the p̄sent centance and admouision to offend noe more in this kind, that then the said punishment not to bee inflicted, or otherwise to bee executed.

[*111.]

*Wheras the summe of six pound and nine pence rest due vpon account vnto Constant Southworth, for charges expended by him in mending the bridge att Joaneses Riuer, and because hee hath been att trouble and charges in staying for his pay and spending time and taking paines about the said bridge, the Court doe allow him for the same the summe of ninteen shilling and three pence to make vp his due to bee the summe of seauen pounds, p̄te wherof to bee paid in three barrells of oyle.

The Court, haucing viewed a petition prefered vnto this Court by John

Palmer, of Scittuate, therein requesting healp from the Court in respect vnto soñ disquietnes in the injoyment of soñ land by him possessed att the North Riuer, supposed to bee the towne of Scittuates commons, haue answered that they conceiue it appertaineth not to them to affoord him healp in the case, but rather the towne of Scittuate, and for that purpose haue directed a few words in writing requesting the said towne to take his case into consideration with all convenient speed, and to affoord him what redresse the shall see reason for about the premises.

1656-7.

5 March.
[BRADFORD,
GOVERNOR.]

A warrant was directed from this Court vnto M^r Anthony Thacher, of Yarmouth, to require him psonally to appeer att the Court of Asistants to bee holden in May next, to make answare to a complaint of Janna, an Indian sachem, concerning some lands formerly belonging to him in the liberties of Yarmouth, which were purchased of him by M^r Thacher, M^r Howes, and, as hee saith, vnpaid for.

An attachment layed on a bullock belonging to Anthony Wright, att the suite of Thō Tupper, is respeted untill the next Generall Court.

A warrant was directed vnto the cunstable of Taunton, requiring him to attach soe much of the goods or chattles of Wiltam Hailstone within his liberties as will satisfy the cheife marshall the summe of three and twenty shillings, and to satisfy the law against lying, wherin the said Hailstone is found faulty in three p̄ticulars in a petition prefered by him to the Court in June, 1656. The sume is thirty shillings in all. 02^{li} 13^s 00.

An order was directed from the Court to John Newland, of Sandwich, in the words followinge:—

John Newland: The Court being informed of a meeting that hath tended to the disturbance of the publicke worship of God, which said meeting hath ben kept att a house which wee are informed you haue an interest in, these are to require you, that for the future (so fare as you haue interest in the said house) that you suffer noe such meeting of such p̄sons att your house for such ends as aforesaid, either on the Lords day or att other times, as you will answare the contrary att your pill.

The Courts order. P me, NATHANIELL MORTON,
Clarke of the Court.

A warrant was directed requiring the cunstabes of Sandwidge and Barstable from one to another to convey Nicholas Vpsiall to Trustrum Hull, to bee recaried out of the goũment.

Memorand: to send for Elizabeth, the wife of John Newland, to appeer att the next Court.

1657. **Att a Court of Asistants holden att Plymouth the 4th of May,*
1657.

4 May.

[BRADFORD,
GOVERNOR.]

[*112.]

BEFORE Wiltam Collyare,

Timothy Hatherley,

John Alden, and

James Cudworth,

Asistants, &c.

THE Court ordered and request M^r Hatherley and Cap^t Cudworth to take security of Abiail, the wife of Wiltam Hatch, deceased, in the behalfe of Pheba Hatch, his daughter, for the paiment and makeing good of her portion giuen her by her said deceased father, to bee deliuered according to his will extant.

Letters of adminnstration graunted vnto Manasses Kemton to adminnester on the estate of Joanna Kemton, deceased, with liberty left that incase Thomas Rawlins shall thinke good to joyne with him therein, hee may if hee please.

M^r Allexander Standish and M^r Josias Standish doe accept of beeing exequitors with M^{rs} Barbery Standish, their mother, on the estate of Captaine Myles Standish, deceased.

Concerning a controvereye betwixt the comittées of Yarmouth and Janno, an Indian sachem, about a tract of land which the said Indian saith hee neuer sold vnto the said comittées, the Court haue ordered, that att June Court next they then will depute some men to goe to the said land, and to treat and conclude with the said Indian about the same, soe as to put a finall end vnto the said controvereye.

3 June.

[*113.]

**Att the Court of Election holden att Plymouth the 3^d of June,*
1657.

BEFORE Thomas Prence,

Wiltam Collyare,

Timothy Hatherley,

John Alden, and

James Cudworth,

Assistants, &c.

M^R THOMAS PRENCE was chosen Go^u, and sworne.

Wiltam Collyar,

Timothy Hatherley,

John Alden,

Cap^t Thomas Willett,

Cap^t James Cudworth,

Cap^t Josias Winslow,

and Leiftenant Thomas Southworth were chosen Asistants, and sworne.

M^r Thomas Prence and Cap^t James Cudworth were chosen comissioners. 1657.
 M^r John Alden was chosen Treasurer.

3 June.
 [PRENCE,
 GOVERNOR.]

Att this Court the whole body of freemen psonally appeered, and enacted sundry lawes, of which see more in the booke of lawes.

The Names of the Deputies that serued att this Court.

| | |
|---------------------------------|-------------------------------|
| M ^r Wiltam Bradford, | M ^r Edmond Hawes, |
| Robert Finney, | Thō Falland, |
| Ephraim Morton, | Anthony Annable, |
| Wiltam Paybody, | John Smith, |
| John Rogers, | M ^r Anthony Eames, |
| Edward Jenkins, | M ^r Stephen Payne, |
| John Bryant, | Wiltam Sabin, |
| Thō Tupper, | Nicalas Snow, |
| James Skiffe, | Richard Higgens, |
| Leiftenant Wiatt. | John Willis. |
| Richard Wiltams, | |

The Grand Enquest.

| | |
|------------------------------------|--|
| Daniell Cole, | Joseph Alden, |
| Samuell Ryder, Seni ^r , | M ^r Nicolas Pecke, |
| John Hall, | Lawrance Willis, |
| Wiltam Crocker, | John Smith, |
| John Finney, | Wiltam Spooner, |
| John Tisdall, | Samuell Dunham, |
| John Dean, | John Whiston, |
| Robert Abell, | Benjamine Bartlett, |
| John Russell, | M ^r John Vincent, |
| Wiltam Sherman, | M ^r Thō Dexter, Juni ^r . |
| Jeremiah Hatch, | |
| Mathew Gannett, | |

The Names of such as refused to serue on the Grand Enquest.

Henery Howland,
 John Tompson,
 Morise Truant,
 Ralph Allen, Seni^r,
 Thomas Greenfeild.

James Hamblen was sick, and could not serue.

1657.

3 June.
[PRENCE,
GOVERNOR.]
[*114.]

*The Names of the Cunstables of the seuerall Townes.

| | |
|-----------------------|---|
| Plymouth, | Wiltam Nelson, sworn. |
| Duxburrow, | Constant Southworth, sworn. |
| Scittuate, | { Joseph Wormall, } sworn. { Henery Ewell, } |
| Sandwidge, | Wiltam Bassett, sworn att home. |
| Taunton, | Hezekiah Hoare, sworn. |
| Yarmouth, | Robert Eldred, sworn. |
| Barnstable, | Thō Huckens, sworn. |
| Marshfeild, | { John Howland, } sworne. { John Phillips, } |
| Rehoboth, | Wiltam Buckland, sworne. |
| Eastham, | Henery Atkins, sworn att home. |
| Bridgwater, | Samuell Tomkins, sworne. |

Survayors for the Highwayes.

| | |
|-----------------------|---|
| Plymouth, | { Samuel Jency, Thō Morton, Sargeant Shaw. |
| Duxburrow, | { Moses Simons, Francis Sprague. |
| Scittuate, | { Gorġ Pitcocke, Wiltam Randall. |
| Sandwidge, | { John Jenkins, Edw Perrey. |
| Taunton, | { Rich Stacye, Jonas Austine. |
| Yarmouth, | { Wiltam Chase, Seni ^r , Rich Tayler. |
| Barnstable, | { M ^r Thō Allen, Samuell Hinckley. |
| Marshfeild, | { Wiltam Foard, Thō Tilden. |
| Rehoboth, | { Phillip Walker, Obadia Bowen. |
| Eastham, | { Thō Roberts, Marke Snow. |
| Bridgwater, | { Arther Harris, John Haward. |

Freemen admitted this Court, and sworne.

1657.

| | |
|---------------------|-------------------------------|
| Henry Ewell, | Gorge Lewis, |
| Joseph Wormall, | M ^r Nicolas Pecke, |
| Anthony Slocum, | Daniell Smith, |
| Gorge Russell, | Wilham Sabin, |
| Nathaniell Warren, | John Allin, |
| Marke Snow, | Thō Morton, |
| Joseph Wadsworth, | Jonathan Shaw, |
| Eluerton Crow, | Jonathan Dunham, |
| John Tracye, | Joseph Aldin, |
| Timothy Williamson, | Jonathan Aldin. |
| Joseph Howes, | |

3 June.
PRENCE,
Gov.

These vnderwritten tooke the oath of fidellitie this Court.

| | |
|-------------------|------------------|
| Wilham Witherell, | Jonas Austine, |
| Robert Eldred, | Jonathan Briggs. |

*The cōmitte appointed by the Court to review the lawes, and to reduce them to such order as they may conduce to the benefitt of the gouēment. [*115.]

| | |
|-----------------------------------|----------------------------------|
| M ^r Wilham Collyare, | Cap ^t James Cudworth, |
| M ^r Timothy Hatherley, | Cap ^t Josias Winslow. |
| M ^r John Alden, | |

These, or any three of them, are to meet as soon as conveniently they can, for the end abouesaid.

Leif^t Southworth was alsoe in nomination, and his healp desired.

M^r John Alden and Leiftenant Southworth are requested and appointed by the Court to goe downe to Yarmouth and Barnstable, and to sett those differences that are betwixt the Indians and them att rightes according to their best abillities.

M^r Anthony Eames and M^r Wilham Bradford are aded by the Court vnto the majestrates to bee a counsell of warr, and soe bee and remaine vntill the next Election Court, and then to bee continued or otherwise as the Court shall see reason; the said counsell of warr, for their proceedings and acting in affaires of that kind, to haue reference vnto the orders made for the counsell of warr chosen in anno 1653.

M^r Thomas Prence was chosen and appointed to bee p^rsident of the said counsell.

Cap^t Cudworth, Cap^t Winslow, Leif^t Southworth, and M^r Wilham

1657.

3 June.
PRENCE,
Go^o.

Bradford are appointed by the Court to take the account of the Treasurer for the yeare last past in the behalfe of the country.

The Court haue deputed some speciall men in the townes of Taunton, Barnstable, and Rehoboth, in regard of theirre farr distance of place from any majestrates, to adminnester marriage, and to adminnester an oth to giue true testimony and information to the grand enquest, and likewise in his highnes name to issue forth warrants to suppena in witnesses to giue testimony to the Court or grand enquest in such cases.

For Taunton, M^r Wilłam Parker.

For Sandwich, Yarmouth, and Barnstable, M^r Thō Hinckley.

For Rehoboth, M^r Josephth Pecke, Sen^r.

Wilłam Barstow is allowed by the Court to draw and sell wine, beer, and stronge waters for passengers that come and goe ouer the bridg hee hath lately made, or others that shall haue occation, vnless any just exception shall come in against him.

[*116.]

*A Testimony of M^r Anthony Thacher.

I, Anthony Thacher, doe testify, that Cap^t Standish accepted of one cow of Barnard Lumbard in the summe of fiue pounds, which cow the said Barnard promised to winter; and the captaine promised to allow him for it. This I can testify vpon oath, and, if I bee called, shalbee reddy to doe it.

ANTHONY THACHER.

Wheras there hath been a defect, and is, in the towne of Sandwich in not sending sufficient men to serue on the grand enquest, this Court hath ordered, that notice shalbee giuen them forthwith, that they are to provide and send two sufficient men to serue on the grand enquest vnto the Court to bee holden att Plymouth the first Tusday in October next; and incase they shall not, that then the Court will appoint two men to serue in that place out of theirre towne, and that theirre charge shalbee bourne by theirre towne as other cōmon charges, and allow them two shillings & six pence a day, to bee leuied by rate as other publicke charges.

In answare to a complaint against Robert Croosman, of Taunton, for wronging an apprentice of his, the Court haue directed an order vnto the select men of the said towne, whoe are deputed to order the speciall affaires therof, to take course about the same, soe as the said Crosman his said seruañt bee heard in any just complaint and releiued; but incase it can not bee soe issued, that both m^r and servant are to appeer att the Court of Assistants to bee held in Plymouth the first Tusday in August next; and for that end,

incase there shalbee nessesitie to make vse therof, a warrant was issued forth requiring the cunstable of Taunton to warn them to appeer att the said Court; and the Court haue likewise sent for such testimony as may bee produced to cleare the case.

1657.

3 June.
PRENCE,
Go^o.

Wheras there is a complaint made by a seruant belonging to Mr Thomas Gilbert, Jun^r, that hee is ill vsed, being decriped, and is in want of competent and convenient clothing, &c, these are to require the selectmen deputed by the towne of Taunton to order the speciall affaires therof that they take notice of the boyes condition, and vse their best prudence that hee may bee competently prouided for, and in speciall that hee bee prouided for in the winter season with shooes and stockens, and likewise to warn and require the boy to carry towards his mistris as a seruant ought to doe, with all due respect and obediencē; and incase your indeauours will not procure a redresse in the premises, vpon further notice giuen vnto vs from you wee shall take course as reason shall require; and wee likewise desire you seriously to remember that some speedy course may bee taken for the curing of the boyes foot, being in danger of perishing.

An order sent
to Taunton
about a boy of
Mr Gilberts.

By order of the Court. P mee, NATHANIELL MORTON,
Clark.

*In answare to a petition prefered to the Court by Nicolas Jyde, of Rehoboth, requesting earnestly, that wheras hee lyeth vnder a fine of twenty five pounds for selling a gun to an Indian, that the said fine might bee remited and forgiuen, pleading his inabilitie to pay the same, the Court haue ordered, that incase sundry of the townsmen of Rehoboth now present in Court — viz^t, Mr Payne and others — shall pay, or cause to bee payed, the sume of five pounds in good wampam, in the behalfe of the countrey, vnto Mr Paddy, att Boston, betwixt this present date and the Court to bee holden att Plymouth the first Tusday in October next, vpon notice giuen by them that they haue soe done, the remainder of the said twenty five pounds is clearly remited and forgiuen.

[*117.]

In answare vnto a complaint made in the behalfe of the Indians att Rehoboth whoe haue had their corne spoyled and destroyed by horses, the Court haue ordered, that a pound shall forthwith bee made by such as are the owners of the land, which was the purchasers, on some convenient place on the said land, within the space of thirty dayes after this present Court, to impound such horses or other cattle as shall trespas on the Indians as aforesaid, and to haue twelue pence a horse for euery horse that shalbee soe

1657. impounded, and six pence for euery bullocke, and four pence for euery hogg ;
 and incase those abouesaid, that are to make the 5*l* pound, shall neglect to
 make it by the time prefixed, they are to pay for a fine the summe of five
 pounds.

3 June.
 PRENCE,
 Go*l*.

Richard Bowin, Leiftenant Peter Hunt, and John Allin, of Rehoboth, whoe were appointed by the Court to bee ouerseers of the children and estate of M^r Alexander Winchester, haue declared vnto the Court theire joynt consent that the portion, viz^o, the house and land, &c, desposed vnto M^r Nicolas Pecke, whoe is joynd in marriage with the eldest of the said M^r Winchesters daughters, shalbee conformed vnto him.

Three acres of meddow, which was graunted and giuen vnto Robert Abell by the purchasers out of theire lands neare Rehoboth, is now conformed vnto the said Abell by those whoe haue since bought the said land of the said purchasers vnto the said Robert Abell, his heires and assignes, for euer.

Libertie is graunted vnto M^r John Alden to looke out a portion of land to accomodate his sons withall, and to make report therof vnto the Court, that soe it may bee conformed vnto him.

In answare vnto a petition prefered to the Court by Wilham Nicarson, desiring to haue libertie to enjoy the land hee purchased att Mannamoiett, —

The Court haue ordered, that the said land shalbee viewed by some that shalbee deputed : and afterwards, vpon theire report to the Court, hee is to haue a competency or proportion out of it allowed vnto him, and then to resigne vp the remainder vnto the Court.

For the securing of the countreyes powder, it is left vnto Leiftenant Southworth and the deputies of Plymouth to hier workmen to make a place to secure it in, and the charge therof to bee defrayed by the Treasurer in the countreyes behalfe.

[*118.]

| | |
|---------------------------------|-------------------|
| *M ^r Anthony Eames, | Robert Studson, |
| M ^r Wilham Bradford, | Nathancell Bacon, |
| M ^r Stephen Payne, | Wilham Paybody, |
| M ^r Kanelme Winslow, | John Cooke, + |
| Leiftenant Torrey, | |

+ Richard Sparrow and Thomas Clarke were appointed by the Court as a committee to take into seriouse consideration what way to take for the accomodation of our honored Go*u* and majestates in makeing prouission for them as occasion doth require, haue recomended to the Court the result of theire agitations, which were read in Court and approued, and accordingly recorded as followeth : —

1. Wee doe agree that Mistris Bradford shalbee satisfied by the Tres-

urer what charges shee hath been att in intertaining our honored Goũ and majestrates for this p̄sent Court.

2. Wee doe agree that shee shall haue ten pounds of the best pay, to bee payed vnto her out of the Tresurer, to satisfy for such trouble and charge as shee shall sustaine in entertaining of our honored Goũ and majestrates for the ensuing yeare.

3. Wheras, vpon our desire and request, Constant Southworth is willing to make prouission for our honored Goũ and majestrates for the ensuing yeare, we do agree, —

That hee shall haue twenty pounds paied him by the countrey, in such pay as was formerly payed to our late honored Goũ, and to bee paied vnto him by each township according to their proportions as formerly, and according vnto the time formerly prefixed by order of Court; and alsoe wee doe agree, that hee shall haue five pounds of the best pay payed him by the Tresurer, as hee hath ocation to make vse of it to defray charges as abouesaid.

4. Wee doe agree that our honored Goũ shall haue ten pounds allowed him by the countrey, to bee paied him by the Tresurer, for a man to attend vpon him in his journeyes to the Courts.

The Court doth appoint and request M^r Allin, of Barnstable, to bee in a reddines to giue intertainment to our honored Goũ in his journeyes to and fro, both for himselfe and his attendance, and especially to accomodate him with a priuate rome and other nessesaries; and the countrey doe engage that hee shalbee satisfied for his charge and trouble about the same, to bee leuied by rate as other publicke charges.

The Court haue ordered, that those that refused att this Court to take the oath of the grand inquest, the cōmittees or deputies of such townes where such liue shall signify vnto them, that if they shall change their minds about the same, and shalbee willing to take the said oath, they are to signify soe much to the next Court of Assistants, or otherwise the Court will take further course as they shall see meet.

1657.

3 June.
[PRENCE,
GOVERNOR.]

1657.

**Att the Generall Court holden att Plymouth the sixt of October,
1657.*

6 October.

[PRENCE,
GOVERNOR.]

[*119.]

BEFORE Thomas Prence, Goſſ,
Wiltam Collyare,
Timothy Hatherley,
Asistants, &c.

John Alden,
James Cudworth, and
Thomas Southworth,

WHERAS complaint is made to the Court by the inhabitants and townsmen of Taunton, that sundry vnworthy and defamed psons haue thrust themselues into the said towne to inhabite there, not haucing approbaçõn of any two majestrates according to an order of Court, and contrary to the minds of diuers of the inhabitants, to their greivance, the Court, haueing taken their condition into seriouse consideration, doth order, —

1. That noe such pson bee intertaineed by any inhabitant of the towne, on the penaltie of forfeiting twenty shillings for euery weeke that they shall intertaine them without the approbaçõn of the fiue select men appointed to order the publicke affaires of the towne; and inspeciall, that Wiltam Paule and his wife bee forthwith expelled the towne.

2. Likewise, it is ordered, that you giue warning to your townsmen, that noe pson or psons of your towne do sell, hier, or giue house or land to any pson, soe as therby to bring them in to bee inhabitants amongst them, but such as haue approbaçõn of two of the majestrates att least, according to an ancient order of Court, as they will answere their contempt in doing the contrary.

3 & 4. For your third and fourth greivance, we conceiue that if your constable and grandjurimen doe their duties, there wilbee a full redresse of such abusses.

5. M^r Wiltam Parker being deputed by the Court to adminnester an oath to giue true testimony to the grand enquest, and likewise in his highnes name to issue forth warrants to supena in witnesses to giue testimony to the Court or grand enquest in such cases, that the Court order in the p^mises bee imroued as occasion shall require as a preparatiue way to further justice.

Lastly, the Court doth order, that the fiue select men of your towne — viz^s, Cap^t Wiltam Pole, Gorge Hall, M^r Wiltam Parker, Leiftenant James Wyatt, and John Dean — doe forthwith, on receipt heerof, require your cunstable to warne a townmeeting, that soe these things may bee published in your towne.

It is ordered by the Court, that M^r Timothy Hatherley, and Cap^t James Cudworth, and Cap^t Josias Winslow take convenient time to take notice of the horse bridge ouer the North Riuer, that it bee sufficiently don, and alsoe of the way vnto it, and accordingly to judge what Wil^m Barstow is worthy to haue for his worke and paines therabout, and then to returne what they haue don in the p^mises vnto the Treasurer, that accordingly hee may be satisfied.

*Vpon a desire and request made vnto the Court by M^r John Done, Josias Cooke, Richard Sparrow, and Richard Higgens, desireing so^m proportions of land att a place about thirteen English miles from Rehoboth, —

The Courts answare is, that they doe condecend thervnto, provided they doe not intrench on any lands alreddy graunted to any others, and that it bee orderly purchased of the right natiue propriators, and likewise that they bee willing that others may bee accomodated by them there, if ocaation shall require.

Liberty is graunted vnto Edward Banges to draw and sell wine and strong waters att Eastham, provided it bee for the refreshment of the English, and not to bee sold to the Indians.

Liberty is graunted vnto Nicolas Wade to keep an ordinary att Scittuate, soe as hee provide convenient lodging and other accomoda^on for trauellers, and carry well in it; and this liberty to continew soe longe as the Court shall see reason.

Att this Court, Humphrey Norton, one of those co^monly called Quakers, being summoned, appeered, and was examined and found guilty of diuers horred errors, and was centanced speedily to depart the go^vment, and was forthwith expeled the go^vment by the vnder marshall, whoe was required to accompanie him as farr as Asonett, towards Road Iland.

Wil^m Newland, for causing or incurraging Th^o Burgis to lett Christopher Holder, one of those called Quakers, to take a copy of the Go^vners warrant, which said warrant required the said holder and his p^tener to appeer att Plymouth, and for promising to stand betwixt the said Burgis and any damage that should befall him in the abouesaid respect, and for calling of diuers p^sons together to his house to the said Quakers, was centanced by the Court to find surties for his good behaviour.

Ralph Allin, Seni^r, of Sandwich, for entertaineing diuers p^sons att sundry times to meet att his house, contrary to order of Court, and for his vnworthy speeches by him spoken to the cunstable of Sandwich, was centanced to find surties for his good behavior; which the said Wil^m Newland and Ralph Allin refusing to doe, where co^mited to the custitie of the cheife marshall.

1657.

6 October.
PRENCE,
Gov^r.

[*120.]

Of these see
more att the
other end of
this booke.
See Book of
Wills, &c.,
vol. ii.

1657.

6 October.
PRENCE,
GOU^r.

Thō Burgis, expressing his sorrow for letting the said Christopher Holder and his p̄tener, John Copeland, take a copy of the warrant as abouesaid, was admonished and released.

Henery Saunders, for refusing to aid the cunstable deputie of Sandwich in the execution of his office about the abouesaid Humphrey Norton, was com̄ited during the pleasure of the Court.

M^r Edward Dillingham, for speaking appropriesly to the cunstable deputie of Sandwich, was admonished and cleared.

Ralph Jones appeered att this Court, being sum̄oned for not repairing to the publicke worship of God, and was convicted that hee had broken the law about the same, and accordingly is found lyable to beare the penaltie in that case amersed.

22 December.

[* 121.]

*The 22nd of December, Wiltam Collyare, John Alden, Josias Winslow, and Thomas Southworth, Asistants, &c, mett together att the house of M^r John Alden att Duxburrow, the occasion wherof followeth, viz^s:—

That whereas Robert Huchin, one of those that are com̄only called Quakers, goeing too and frow in some of the townes of this goūment, procured sundry p̄sons to giue meeting to him, contrary to order of Court; and sundry alsoe began to bee taken with his novalties, which was likely to produce great disturbance in this goūment; for which cause M^r Wiltam Collyare, on the 19th of December, went ouer to Cap^t Josias Winslow, vnto Marshfeild, and they, haucing intelligence of such practises by the said Robert Huchin and others as aboue expressed, issued forth a warrant in the name of his highnes to apprehend the said Huchin, and soe to interrupt the said meetings on the 20th of December, being the Lords day. Cap^t Josias Winslow, haucing intelligence of an intended meeting of like nature as aforesaid, intended to bee kept att the house of M^r Arther Howland, att Marshfeild, sent John Phillips, the cunstable of Marshfeild, with order to interrupt the said meeting, and to apprehend the said Robert Huchin; but notice being giuen in an vnexpected way before the said cunstable came thither, hee found noe man att the said house, soe that the said Robert Huchin was not taken. On the morrow after, being Munday, the one and twentieth of December, Cap^t Josias Winslow, by warrant in his highnes name, required the abouesaid cunstable, John Phillips, to repaire to the house of the said Arther Howland, to warn him to appeer p̄sonally att the house of M^r John Alden, before the majestrates aboue expressed, and likewise to apprehend the abouesaid Robert Huchin, hee being then in the said house, accompanied with the said Arther Howland and Joseph Rogers, son of John Rogers, of Marshfeild, and another of his somes; the said cunstable then apprehending him, the said Robert Huchin was opposed

and hindered by the said Arther Howland, soe as hee could not bring him, the said Huchin, away with him. The p̄ticular passages that passed betwixt them are as followeth, as they appeered to bee on the examination of the abousaid cunstable and the said Arther Howland, before the abouesaid majistrates, on the 22^{cond} of December, att the house of M^r John Alden att Duxburrow.

John Phillippes, cunstable of Marshfeild, on the one and twentieth day of December, 1657, repairing to the house of M^r Arther Howland, to summon the said Arther Howland, by warrant from Cap^t Josias Winslow, to appeer on the morrow after, att the house of M^r John Alden, before the majistrates, to answare for intertaining a Quaker, and suffering and inviting sundry to hear the said Quaker, coming into the house of the said Arther Howland, summoned him to appeer as aforsaid, and, p̄ceineing the said Quaker to bee there, haueing a warrant to attach him p̄sonally, to appeer before authoritie, required him to goe along with him, whervpon the said Arther Howland would not suffer him to goe along with him ; on which the said Phillipps pulled him to goe alonge with him ; and then the said Arther Howland thrust the said John Phillippes out of his dores ; then the said John Phillippes charged the said Arther Howland and the two sonnes of John Rogers abouesaid with the *said Quaker, to haue him forth coming ; and then the said Arther Howland said, if hee, the said John Phillippes, tooke such courses, hee would haue either a sword or a gun in the belly of him ; then the said Phillippes went downe to the mill to gitt more assistance, and when hee came vp againe, the said Quaker was gon. Further, the said John Phillippes saith, that when hee required the young men then p̄sent before expressed to aide him, one of them, viz^s, Joseph Rogers, aboue expressed, refused to asist him in bringiug away the said Quaker.

Samuell Hunt, aged 17 yeares or therabouts, being deposed, saith, —

That about a fortnight before the date heerof, being att the house of Zoeth Howland, hee, the said Zoeth Howland, said hee would not goe to meeting to hear lyes, and that the diuill could teach as good a sermon as the minnisters ; and that a 2^{cond} time being att the house of the said Zoeth Howland, on the 18th day of this p̄sent December, and his brother, John Hunt, and Thō Delano being with him, hee questioned with the said Zoeth Howland whether hee would not goe to the meeting, because the minnisters taught lyes, and that the diuill could teach as good a sermon as the minnisters ; and hee said hee denied it not. Alsoe, Thō Delano questioned with him whether the minnisters taught lyes ; and hee said yes, and lett him looke in the Scriptures and hee should find it soe.

1657.

22 December.
PRENCE,
GOTⁿ

[*122.]

1657.

Thō Delano and John Hunt concure with Samuell Hunt in this testimony.

22 December.
 PRENCE,
 GOV^r.

Arther Howland, for the cause aboue expressed, was centanced to giue bonds for his apperance att the Generall Court to bee holden att Plymouth the first Tusday in March next, and in the mean while to bce of good behavior towards all manor of people ; hee, refusing to giue his owne single bond, was comitted to the custitie of the cheife marshall.

Zoeth Howland was warned to appeer att the said Court, likewise Henry Howland was summoned to appeer att the said Court, to answare for interaining Quakers meetings in his house.

John Howland, Juni^r, summoned to appeer att the said Court for giueing intelligence to Arther Howland and the Quaker, with others mett on the nineteenth of December, being the Lords day.

1657-8. **Att the Court of Assistants held att Plymouth the 2^{cond} of February, 1657.*

2 February.

[*123.]

BEFORE Wiltam Collyare,
 James Cudworth,

Josias Winslow, and
 Thomas Southworth,

Asistants, &c.

JOHN BARNES complained against Edw Holman for intertaining John Wade, his seruant, and for carrying the said Wade to Duxburrow in his boate, without his masters conceant. The Court finding the said Holman, vpon examination of him, to bce faulty both att this time and att other times in like manor, hee was fined ten shillings; and the next time hee, the said Holman, shalbee found faulty in such like carryages, on due prooffe, towards any of the seruants of the said John Barnes, hee is centanced by the Court to pay vnto him the sume of twenty shillings.

Att the same Court, the said John Barnes complained against his said seruant, John Wade, the ran vp and downe like vnto a runagate, and hee could haue noe comāund ouer him, and therefore desired hee might bce freed from any further care or inspection ouer him; on which the Court ordered the said Barnes to keep his said seruant vntill hee could send word to his father, and take further order with him about him.

Att this Court, Serjeant James Shaw, Samuell Fuller, and Edward Gray complained against Joseph Billington for neglecting to pay some smale debts which hee owed them. The Court, finding the said Billington, on enquiry and enformation, to bee a knowne idle and neglegent pson, wherby hee was disabled to pay men theire owne, and to liue as one in his place and condition ought to doe, ordered him forthwith to betake himselfe to an honest imployment and to followe it faithfully, which if hee shall neglect to doe, on further complaint the Court will provide a seruice for him.

Likewise, Jonathan Morey, being warned to appeer att this Court to answare for such like default, is required to sett himselfe in such wayes and courses as wherby hee may bee able to answare euery one theire owne, and is allowed vntill June Court next, that incase hee shall approue himselfe better in the p̄mises, and not frequent the house of Richard Foster in his absence, which is thought not convenient for him soe to doe, then the said Morey not to bee questioned about the p̄mises any further; but if otherwise, the Court will then provide a seruice for him.

John Copeland, one of the sect com̄only called Quakers, being summoned, appeered, and being examined and found guilty of speaking falsly concerning M^r John Alden, as that his head and knees trembled att such time as the said Copeland and Christopher Holder were before the said M^r Alden and Leiftenant Southworth, for which the said Copeland is centanced by the Court to bee whipt att such time as hee shalbee found in the goūment, being required to depart the jurisdiction within eight and forty houres from this p̄sent.

Willam Braind, one of those called Quakers, being found to bee a man of a turbulent speritt and forward to abuse men with his tounge, is required to depart the goūment within eight and forty houres from this p̄sent; and incase hee shalbee found in the goūment heerafter, to bee publickly whipt.

These abousaid Quakers, coming through the towne of Plymouth on the eight day of February, were apprehended and whipt according to the aforsaid centance.

1657-8.

2 February.
PRENCE,
Gov^r.

8 February.

1657-8. *Att the Generall Court holden att Plymouth the 2^{cond} of March,
1657.

2 March.

[PRENCE,
GOVERNOR.]

[*124.]

| | |
|---------------------------|---------------------|
| BEFOR Thomas Prence, Gof, | Thomas Willett, |
| William Collyare, | James Cudworth, |
| Timothy Hatherley, | Josias Winslow, and |
| John Alden, | Thomas Southworth, |
| Assistants, &c. | |

IN order vnto the proceeding of the aboucsaid Court, warrants were issued forth to the seuerall cunstable of the seuerall townes of this jurisdiction, the tenure wherof is as followeth :—

To the Cunstable of, &c, greet.

These are, in the name of his highnes the Lord Protector of England, Scotland, and Ireland, to will and comāund you, on receipt hecrof, to gine publicke notice of the Generall Court to bee holden att Plymouth the first Tusday in March next, that all such psons as haue any business theratt may then and there attend the same ; and, especially, that you warne your grand jurymen, that they may bee redy to doe all such seruice as on his said highnes behalfe shalbee required of them ; and that you warne your townsmen to come together, and heerby declare vnto them, that forasmuch as wee, taking notice of diuers psons in seuerall places that by worde and acte represent things of sad consequence, in our apprehensions, to this gofiment. wee take ourselues bound to manifest to them that they make choise of some able and fitt psons for deputies to attend the said Generall Court, to whome wee shall more fully impart the whole, that see they and wee together may consider and effect some such prouission att the p̄sent as the case requires, vntill the whole body of freemen shall with more conveniency meet together then the p̄sent season will permit, to take further order therin ; wherof fayle not, as you tender the good of the whole.

Dated att Plymouth this 2^{cond} of February, 1657.

THOMAS PRENCE, Gof.
WILLIAM COLLYARE,
THOMAS WILLET,
JOSIAS WINSLOW,
THOMAS SOUTHWORTH.

The names of the committees that appeared, according to the summons 1657-8. abovesaid, were these following:—

| | |
|----------------------------------|---------------------|
| Mr John Howland, | Mr Anthony Thacher, |
| Mr Wiltam Bradford, | Edward Sturgis, |
| John Dunham, Seni ^r , | Mr Thomas Hinckley, |
| Ephraim Morton, | Nathaniell Bacon, |
| Wiltam Paybody, | Mr John Bradford, |
| John Rogers, | Anthony Snow, |
| Edward Jenkins, | Mr Stephen Paine, |
| John Bryant, | Lei: Peter Hunt, |
| Thomas Tupper. | Richard Higgens, |
| Thomas Burgis, | Josias Cooke, |
| Mr Wiltam Parker, | John Willis. |
| James Walker, | |

2 March.
[PRESENCE,
GOVERNOR.]
Of the lawes
enacted at this
Court by the
majestrates
and these dep-
uties, see the
booke of the
lawes and con-
stitutions of
this gouernment.

*Mr Arther Howland, for pmiting of a Quakers meeting in his house, and for inviting, viz^d, such as were vnder gofment, children and others, to come to the said meeting, was centanced by the Court to find surties for the good behavior; which incase hee should refuse to doe, hee is to pay for a fine four pounds. [*125.]

Arther Howland refused to procure surties or to enter bonds for his good behavior, and soe the fine is payable.

The said Arther Howland, for resisting of the cunstable of Marshfeild in the execution of his office, and for abusing him in words by threatning speeches, is fined the some of five pounds.

The said Arther Howland, for p^resenting a writing into the Court, which said writing, on the pusing therof, appeared to bee of dangerouse consequence, hee owning of it to bee his owne, and for makeing knowne the said writing to others, was centansed by the Court to find surties for his good behavior.

John Barnes, for his frequent abusing himselfe in drunkenes, after former punishment and admonition, is fined five pounds; and incase any shall entertaine him in their house in a way of drinking, shalbee fined the sume of twenty shillings; and if any of the towne of Plymouth shalbee found drinking in his companie, euery such to pay two shillings & sixpence.

Edward Holman, for telling of a lye in the Court, is fined, according to order, ten shillings.

Henry Howland, for entertaining a meeting in his house contrary to order of Court, fined ten shillings.

Zoeth Howland, for speaking opprobriously of the minnesters of Gods word, is centanced to sitt in the stoekes for the space of an houre, or during the

1657-8. pleasure of the Court; which accordingly was performed, and soe released, paying his fees.

2 March.
PRESENCE,
Gov^r.

Peter Gaunt, Daniell Winge, Ralph Allen, Junier, and Wiltam Allin, being summoned, appeared to answere for a tumultuose carriage att a meeting of the Quakers att Sandwich. These, being admonished in that respect, were cleared; notwithstanding, for their vnreuerent carrying themselves before the Court, coming in before them with their hatts on, were fined twenty shillings a peece.

Leiff Ellis, Steuen Winge, and Thomas Butler, being summoned to answere for tumultuose carriage as abouesaid, being examined, and not found soe faulty as was supposed, were admonished and cleared.

[*126.]

*Wiltam Newland and Ralph Allin, Señ, released and sett att libertie from their imprisonment, paying their fees.

Wheras this Court receiued a petition from sundry psons of the towne of Scittuate, both of the milletary companie and others, therin expressing sundry greiuances relateing vnto some late carriages of Cap^t James Cudworth, a comission officer of the milletary companie of Scittuate, in reference to entertaining of such psons as are comonly called Quakers, by suffering them to meet in his house, and others with them, which said Quakers haue rendered themselves in their doctrines, speeches, and carriages destructiue to the peace of this jurisdiction, the Court, haueing seriously weyed and considered the pmisses, together with other concurrent expressions which haue come from him, the said Cap^t Cudworth, which in their nature, as wee apprehend, tendeth to the disturbance of the peace of this p^sent gou^rment, doe order as followeth, viz^t: that the said Captaine James Cudworth by the Court is discharged of his place as cap^t of the milletary companie of the towne of Scittuate; the said Cap^t James Cudworth alsoe desired the same.

An Order of the Court directed to Leiftenant Torrey and Ensigne Williams.

The Court, seeing cause to discharge Cap^t James Cudworth of his place as captaine of the milletary companie of Scittuate, doe by these p^sents order and require you, Leiftenant James Torrey and Ensigne John Williams, to discipline the said companie as ocation shall require vntill you shall haue further order from the Court; and that you signify and declare in the head of yourer companie that they are to obey you in all lawfull milletary com^aunds as their milletary com^aunders in cheife, and to carry peacably and quietly respecting the pmisses.

The Courts order.

P me,

NATHANIELL MORTON, Clarke.

Wheras Wiltam Bassett, the cunstable of Sandwich, complained that hee is opposed in the procuring in of the cuntry rates in corn according to a warrant directed vnto him for that purpose ; these are, therefore, to require him, the said Wiltam Bassett forthwith, on receipt heerof, to put the said warrant in to speedy execution according to the tenure therof, viz^s, to procure corn according to the species therin expressed ; and on any one that it concerns that shall refuse to make paiement, or haue it not, to make destresse on such their goods as wilbee equiuent vnto or will procure corne answerable to the tenure therof ; and whatsoever hee shall doe in the p̄mises, prouided hee keep to the tenure of the abouesaid warrant, the Court doe heerby engage to beare him out therin.

This is the Courts order.

P me,

NATHANIELL MORTON, Clarke.

1657-8.

2 March.
PRENCE,
Gou^r.

*In answere to a request made by Jobe Hawkins, of Boston, for to enjoy the lands of Major Wiltam Holmes at the North Riuer, in the township of Marshfeild, the Court haue ordered, that incase the said Hawkins will giue in sufficient securitie to the Court to saue them harmles and cleare of all damage that may arise by any heire that may come and shew a clearer right to the said land, hee may enter vpon possession therof ; and likewise the Court haue deputed M^r Josias Winslow, Seni^r, and Anthony Snow, to repaire ther-vnto and to prise the same.

[*127.]
The said Job Hawkins hath since giuen in securitie to the Court, and is put in possession therof.

Wheras a certaine heifer belonging to Wiltam Hailstone was attached to satisfy vnto the cheife marshall for fees three and twenty shillings, and to satisfy and answere the lawe for the said Hailstone his telling of three lyes in a petition by him prefered to the Court the sume of thirty shillings ; forasmuch as it doth appeer that one of the p̄ticulares supposed to bee a lye was mistaken, the Court, on consideration of the p̄mises, haue remited the twenty three shillings for the marshalls fees, and ten shillings in reference to the said mistake, and doe cleare the heifer from the attachment ; and the said Hailstone remains fined, for two lyes told by him in the said petition, the sume of twenty shillings.

Concerning Wiltam Paule, of Taunton. Wheras the Court conceiuet that his abiding there wilbee a continued occation of deuission and contention amongst the inhabitants therof, they doe therefore order, that, according to a former order sent thither, wherin hee is required to depart, that accordingly hee soe doe with all convenient speed.

Concerning Thō Joanes, of Taunton, weauer, the Court doth order, that forasmuch as hee is a man of an ill report, and complained of by the moste

1657-8. pte of the inhabitants of Taunton, and not desired by them, that hee forthwith depart the said towne.

2 March.
PRENCE,
Gov^r.

Concerning Joseph Gray, seruant to M^{is} Gilbert, of Taunton, whoe was soffitimes since frozen on his feet, and still is lame therof. These are from the Court to the towne of Taunton, to request them, that wheras there is hopes that this spring hee may bee cured, if endeauors bee vsed for that end, that they would please to take some course, either into the Bay or elsewhere, for his cure; and what expence they shalbee att about the same, in regard that his said m^{is} is not in a capacitie to defray the charge, incase hur husband doe come againe into the countrey, and bee found able, hee shall satisfy the said charge; if not, the Court hopes it will not bee vnrewarded of God.

Robert Crossman, for attempting to strike Gorge Maccy with a fier brand, and for violently thrusting of him out of his house, coming in with his leaue, fined fise shillings.

[*128.]

*M^r Dillingham and M^r Dexter, of Sandwich, in answare vnto a complaint made to the Court by one Peter, an Indian liuing att Mashpea, that *the that* the horses of sundry of Sandwich haue eaten much of his corne, and wheras wee are enformed that youerselues haue seen the damage, and know whose horses they are, and as hee conceiuth engaged to him to procure some competent restitution, these are therefore to desire you to require those whose horses haue done the dammage to make satisfaction vnto the said Indian; which incase they or any of them shall refuse to doe, you are heerby required to returne their names and the damage as you judge it, that soe the Court may take such further course about the same as they shall see reason.

Concerning the complaint of John Rosse, a Scotsman, seruant to Nathaniel Warren, that hee had serued with his said master six yeares for nothing, the Court pused his couenants with his said master, and ordered him to serue one yeare more with his said master, and then to bee free, in regard that his said master did giue him a yeare of his time then before the Court.

A certaine Indian, named Sampson, the son of Mashantampaine, an Indian sachem, appeered, being warned soe to doe, to answare for accusing M^r Prence for selling powder and shott to the Indians; and being examined about the p^mises, and found to speake lyes about the same, was ordered to appeer att the next Generall Court, and those Indians to whome hee soe spake, that soe the Court may take further order about the p^mises as occation shall require.

M^r John Alden and Cap^t Winslow are appointed by the Court to goe to Yarmouth, Barnstable, and Sandwich, to order sundry publick occations amongst them with whome the Go^d is intended to meet, if God p^mitt.

It is ordered by the Court, that such persons as live at Namassakesett, on the lands as were granted to the townsmen of Duxburrow, shall appertain to the towne of Duxburrow.

The Court alloweth unto James Walker, towards his paines, charge, and trouble hee hath been at about Jonathan Briggs, in the controuersye betwixt Wilham Hailstone and the said Briggs, the summe of twenty shillings, conceining that the said Briggs ought to satisfy the said James Walker further what is meet in the abouesaid respect, at least to make it vp forty shillings.

Gowin White, for telling a lye concerning M^r Tilden, fined ten shillings.

1657-8.

2 March.
PRENCE,
Gov^r.

**Att a Court of Assistants holden at Plymouth the 4th of May, 1658.*

1658.

BEFORE Wilham Collyare,
Timothy Hatherley,
John Alden,

James Cudworth,
Josias Winslow, and
Thomas Southworth,

Asistants, &c.

4 May.
[*129.]

WHERAS Robert Sprout, formerly seruant to Walter Briggs, complained that his master keeps his indenture from him, wherein his master is engaged, at the end of his tearme, to giue him soñwhat in consideration of his seruice, and that his master gaue him the last yeare of his time, which was made appeer in some measure; wherfore the Court orders, that Walter Briggs shall returne the said Robert Sprout his indenture, and that the said Sprout may haue his libertie to worke with any other man in Scittuate vntill June Court next; the said Robert Sprout haucing put in securitie to the Court to answare his masters complaint at June Court next, except they shall otherwise agree their difference in the interem.

Forasmuch as wee haue been informed, both by letters from the Gov^r of the Massachusetts and otherwise, that a certaine Indian callet Pohkenonpamitt, whoe is suspected to haue been acsary to the murder of soñ Indians belonging to them, hath been and is sheltered and protected by Vssamequin and his son, that hee can nott bee brought forth to a legall tryall, —

This Court haue ordered, that the cheife marshall goe to Rehoboth, and take with him Leiftenant Peter Hunt, M^r John Browne, and John Allin, and in their defecte or absence such as hee shall desire, and goe to Vssamequin and his son, and from the Gov^r and Court aduise them to deliuer the said

1658. Indian suspected vnto him, that soe hee may come to a legall tryall, alsoe asuring them that if hee bee not guilty hee shall haue noe wronge; but incase they shall refuse to deliuer him, the marshall shall then vse his best care and prudence himselfe to apprehend him and ceure him, and take care that either by the cunstable of Rehoboth or some other hee bee conveyed to the Massachusetts, wher the charge shalbee repayed them.

4 May.
[PRENCE,
GOVERNOR.]

M^r Kanelme Winslow, Anthony Snow, and Timothy Williamson are requested and deputed by the Court with all convenient speed to lay out a ꝑcell of meddow, being fīue acres graunted vnto Gorge Soule according to the graunt vpon record.

M^r Wiltam Collyare standeth bound vnto the Court in the suūme of an hundred pound, that incase any dammage shall come to the Court by any debts that shalbee demaunded of the estate of M^r Ralph Partrich within a tweluemonth and a day from the date heerof, that then, &c; otherwise this engagement to bee of none effect.

Concerning Joseph Gray, seruant to M^{is} Gilbert, of Taunton, the Court haue ordered, that a speedy course bee taken for his cure, hee being lame on his feet, and that the towne of Taunton shall make a rate to defray the charge therof.

1 June.
[* 130.]

**Att the Court of Election holden att Plymouth the first Day of June, Anno 1658.*

| | |
|----------------------------|----------------------------------|
| BEFORE Thomas Prence, Goū, | Cap ^t James Cudworth, |
| Wiltam Collyare, | Captaine Josias Winslow, and |
| Timothy Hatherley, | Leiftenant Thomas Southworth, |
| John Alden, | |
| Assistants, &c. | |

M^R THOMAS PRENCE was chosen Goū, and sworne.

| | | |
|---|---|---------------------------------------|
| M ^r Wiltam Collyare, | } | were chosen Asistants, and sworne. |
| M ^r Timothy Hatherley, onely M ^r Hatherley not sworne, | | |
| M ^r John Alden, | | |
| Cap ^t Thomas Willett, | | |
| Cap ^t Josias Winslow, | | |
| Leiftenant Thomas Southworth, | | |
| M ^r Wiltam Bradford, and M ^r Thomas Hinckley, | | |

Mr Thomas Prence and }
 Cap^t Josias Winslow } were chosen comissioners.
 Mr John Aldin was chosen Treasurer.

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The Names of the Deputies of the seuerall Townes chosen to serue att this Court and the seueral Adjournments therof.

| | |
|---------------------------|-------------------|
| Mr John Howland, | Mr Thomas Howes, |
| Rob ^t Finney, | Mr Edmond Hawes, |
| Nathaneell Warren, | Nathaniell Bacon, |
| Constant Southworth, | Mr Anthony Eames, |
| Wiltam Paybody, | Anthony Snow, |
| Rob ^t Studson, | Mr Stephen Paine, |
| Isacke Chettenden, | Mr Thomas Cooper, |
| Thomas Tupper, | Josias Cooke, |
| James Skiffe, | Richard Higgins, |
| Mr Wiltam Parker, | John Willis. |
| James Walker, | |

Mr Wiltam Bradford and Mr Thomas Hinckley were chosen deputies by their townes, but afterwards were chosen to bee Assistants, as abouesaid.

*The Grand Enquest.

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| | | | | | |
|---------|------------------------------------|--|---------|---|----------------------------|
| sworne. | { | + Edw Jenkins, | sworne. | { | + John Doghed, |
| | | + Henery Bourne, (ordered to bee forman for this Court, the forman be- ing absent,) | | | Joseph Warren, |
| | | Wiltam Merricke, | | | Wiltam Maycomber, |
| | | Wiltam Berstow, | | | John Adames, |
| | | Mr Alexander Standish, | | | Steuen Vinal, + |
| | | Mr Nathaniell Fish, | | | James Burstell, absent, |
| | | Gorge Bonum, | | | John Crow, + |
| | | Benjamine Nye, | | | Wiltam Witherell, |
| | | Abraham Blush, | | | Th ^o Linkcolne, |
| | | | | | Richard Bowin, |
| | Thomas Haward, Juni ^r , | | | | |
| | Zacariah Soule. | | | | |

The Cunstables of the seuerall Townes.

Plymouth, Gyles Richard, Seni^r, sworne.
 Duxburrow, John Tracey, sworne.

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| | | |
|-----------------------|--|---------|
| Scittuate, | { Humphrey Johnson, Isacke Bucke, } | sworne. |
| Sandwich, | Thomas Toby, | sworne. |
| Taunton, | Peter Pitts, | sworne. |
| Yarmouth, | M ^r Anthony Thacher, | sworne. |
| Barnstable, | M ^r Thomas Allin, | sworne. |
| Marshfeild, | { Wiltam Foard, Seni ^r , James Doughtey, } | sworne. |
| Rehoboth, | Philip Walker, | sworne. |
| Eastham, | John Mayo, to bee sworne att home. | |
| Bridwater, | Marke Laythorpe, | sworne. |

Survayors of the Highwaies.

| | |
|-----------------------|--|
| Plymouth, | { Steuen Bryant, Samuell Ryder, Benajah Pratt. |
| Duxburrow, | { Experience Michell, Francis West. |
| Scittuate, | { John Hallett, Wiltam Randall. |
| Sandwich, | ^ |
| Yarmouth, | { Andrew Hallett, Thō Gage. |
| Taunton, | { John Cobb, Rich Burt. |
| Marshfeild, | ^ |
| Barnstable, | ^ |
| Rehoboth, | ^ |
| Eastham, | { Richard Sparrow, Nathaniell Mayo. |
| Bridgwater, | John Aimes. |

Freemen admitted this Court, and sworne.

| | |
|---|-----------------------------------|
| M ^r Thomas Dexter, Seni ^r , | Wiltam Foard, Juni ^r , |
| Thoñ Lewis, | Morris Truant, |
| James Lewis, | Wiltam Holmes, |
| John Rouse, | M ^r John Browne, |
| John Adames, | M ^r James Browne, |
| Abraham Jackson, | John Carre, |

Lawrance Willis,
Thomas Haward,
John Howland,

Phillip Walker,
Arther Harris.

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*Freemen admitted this Court, and sworne.

Wilt Clarke,
James Clarke,
Arther Hatheway,
Joseph Dunham,
Gorge Bonum,
Samuell Ryder,
Wiltam Nelson,
Mr Wiltam Witherell,
Mr Wiltam Sarjeant,
Mr John Miller,
Mr Thomas Kinge,
Resolued White,
John Turner, Seni^r,
John Turner, Juni^r,
Thomas Pincen,
Steuen Vinall,
John Vinall,
Jeremyah Hatch,
Rodulphus Elmes,
Isacke Bucke,

Joseph Coleman, Seni^r,
Walter Briggs,
Humphry Johnson,
Wiltam Berstow,
John Hallott,
Wiltam Brookes,
Gilbert Brookes,
Rich Curtis,
Wiltam Curtis,
Walter Hatch,
John Sutton,
John Hanmore,
Mathew Gannett,
Wiltam Merricke,
Samuell Freeman,
Wiltam Witherill,
Peter Pitts,
Thomas Linkcolne,
Thomas Paine.

Att this Court, Captaine Josias Winslow and Constant Southworth are requested and appointed by the Court, together with the Tresurer, hee and they to take order with workemen and to cause prouison to bee made reddey for the erection of a building to bee joynd to the p^rson att Plymouth, to bee a house of correction; the same to bee of equall heighth with the said prison, and to bee fourteen foot in length, & to bee aded to it, and a chimny to it.

Of this see
more in the
booke of lawes.

In regard of the much trouble that Wiltam Bassett, of Sandwich, hath bine att the last yeare in the execution of his office as cunstable, and regard of his great losse that hee hath lately sustained, the Court doe allowe him the s^ume of five pounds.

Att this Court, Anthony Loe, of Warwicke, appeered to answare for selling a pistoll to an Indian att Eastham, haucing bine their the last winter, and was found faulty in the said p^ticulare, and for the same was fined three pounds.

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And likewise
not to vse or
carry any gun
any more; and
incase bee
found with a
gunn, it is to
bee taken from
him.

Att this Court, a certaine Indian, named Repent, was summoned, and being examined, was found guilty of speaking some words wherin hee intimated as if would haue shott the Gou^r att his returne home, or to the like effect, & was centanced to bee whipt, which accordingly was executed. Jonathan Hatch, found faulty in so^me respect about the aforsaid p^ticulare, was admonished and released.

Att this Court, Robert Harper, Ralph Allin, Seni^r, John Allin, Tho^s Greenfeild, Ed Perry, Richard Kerby, Juni^r, Wil^m Allin, Tho^s Vre, Wil^m Gifford, Gorge Allin, a^b, Mathew Allin, Daniell Wing, John Jenkins, a^b, and George Webb, all of Sandwich, being summoned, appeered to giue a reason for their refusing to take the oath of fidelitie to this gou^rment and vnto the state of England, which againe being tendered them in oppen Court, they refused, saying they held it vnlawfull to take any oath att all. John Newland was likewise summoned, and Thomas Johnson, but being lame, appeered not. Gorge Webb engaged to depart the gou^rment in a short time; the other liable to pay the fine in that case amerced.

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*Att this Court, a counsell of warr was chosen, whose names are as followeth:—

M^r Thomas Prence, Presedent.

M^r Wil^m Collyare,

M^r Wil^m Bradford,

M^r Timothy Hatherley,

M^r Thomas Hinckley,

M^r John Aldin,

M^r Thomas Howes,

Cap^t Thomas Willett,

M^r Stephen Paine, and

Cap^t Josias Winslow,

Constant Southworth.

Leiftenant Thomas Southworth,

These since
aded: M^r An-
thony Thacher,
Nathaniell Ba-
eon, James
Walker, Lei^d
Rogers.

Of this see
more in the
booke of lawes.

These eleuen, or any fve of them, being orderly called together, their acte to bee accounted in force, and they to bee continued in their places vntill others bee chosen.

Liberty is graunted to the milletary companies of Plymouth, Duxburrow, Seittuate, and Marshfeild, or to any three of them, or vnto any two or three of any of the other milletary companies within this gou^rment, that if they please they may meet together to haue a milletary exersice, and such a meeting to bee accounted for three daies of their ordinary training.

Ordered by the Court, that the milletary companie of the towne of Sandwich shall forbear to traine vntill the next meeting of the counsell of warr.

Gorge Soule, Constant Southworth, and Phillip Delanoe are appointed by the Court to sett the range betwixt M^r Bourmes and Anthony Snowes lands att Marshfeild, to run the line on the same point of the compase that M^r

Bournes range now runes to the South Riuer; and what they aformencioned appointed shall doe therein shall stand firme for the future.

M^r Hinckley and Nathaniell Bacon are requested and appointed by the Court to take order with M^r Allin att Barnstable concerning entertainment of the Goũ in his journeyes to Courts & homewards, &c, as occasion shall require.

In consideration of the trouble and expence that Constant Southworth hath bine att in prouiding for the majestrates table more then hetherto hath bine considered by the Court, this p̄sent Court doth allow further vnto him the sũme of three pounds.

On the complaint of Robert Studson, for want of a convenient way from his house to the meeting, this Court doth request and appoint M^r Hatherley and Cap^t Cudworth, with any other whom they shall choose, to lay out a foot way from the vper meeting house att the North Riuer att Scittuate, vp the said riuer, to the house of Robert Studson, soe as may bee most convenient & least prejudiciall to any.

*Wheras M^r Arther Howland p̄sented a writing vnto the Court held the 2^{cond} of March last past before the date heerof, which said writing is found full of factiouse, seditious, and slanderouse passages, tending to the disturbance of the peace of this goũment, wherof the said Arther Howland hath bine convict in open Court,—the said Arther Howland, att this Court, acknowledging that hee hath done euill in sundry p̄ticulares expressed in the said writing, and desired the Court to passe them by, and engaging in the strength of God for the future not to offend in like manor any more, the Court, considering his age and infirmities in that respect, and in hopes y^t this p̄sent admonition may bee a meanes of preuensyon of such further euill in him, they haue for p̄sent passed it by, with this prouiso, that if hee shall offend in like manor any more, this his great offence will come into remembrance to agment the punishment.

Att this Court, Humphrey Norton and John Rouse, two of those called Quakers, appeered, and p̄sented themselues in the towne of Plymouth on the first of June, 1658, contrary to a law enacted prohibiting any such to come into the collonie, and were apprehended and coũmitted to ward vntill Thursday, the third of June, 1658, att which time they were p̄sented before the Court and examined, and behaued themselues, in speciall Humphry Norton, turbulently, and said vnto the Goũ sundry times, “Thow lyst;” and said vnto him, “Thomas, thow art a mallicious man;” in like manor the said John Rouse behaued himselfe in his words vnto the Court vnworthyly; and soe were

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returned vnto the place whence they came vntill Saturday, the fift of June, att which time the said Norton and Rouse were againe sent for vnto the Court; att which Court wheras formerly Christopher Winter had deposed to a paper containing sundry notorious errors expressed by the said Norton, and by him desired to bee enquired into, a cobby of the said paper was deliuered vnto him in the Court, and hee was demaunded by the said Winter whether hee would deny any of those pticulars therein contained; and liberty was giuen by the Court, that incase hee, the said Norton, would, both hee and the said Winter might returne to the prison, with three or foure men with them, to see and take knowlidg wherin they differed; and accordingly this was done, and a returne made of very little difference betwixt what Winter affirmed and the said Norton owned.

Morouer, att the same time, the said Norton againe carryed very turbulently, saying to the Gov^r, "Thy clamorouse toungue I regard noe more then the dust vnder my feet; and thou art like a scoulding woman; and thou pratest and deridest mee," or to the like effect, with other words of like nature, and tendered a writing, desirouse to read it in the Court; to the which the Gov^r replied, that if the paper were directed to him, hee would see it before it should bee openly read; the said Norton refused to deliuer the said paper to the Gov^r, and soe it was prohibited to bee read.

Att the same time, the said Humphrey Norton and John Rouse were required seuerally, that as they professed themselues to bee subjects to the state of England, that they would take an oath of fidellitie to bee true to that state; which they refused to doe, saying they would take noe oath att all. In fine, the said Humphrey Norton and John Rouse were centanced, according to the law, to bee whiped; the which the same day accordingly was pformed; and the vnder marshall requiring his fees, they refusing to pay them, they were againe returned to bee in durance vntill they would pay the same; where they remained vntill the tenth of June, 1658, and so made composition in soñ way with the said marshall, and soe went away.

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*In regard of the more then ordinary occation that frequently falls out in the towne of Sandwich, soe as their eunstable is not able alone to discharge and pforme all such things there which respect his office by reason of many desturbant psons there residing, —

It is enacted by this Court, that there shalbee a marshall chosen in the towne of Sandwich for to doe such seruises as shalbe required of him by the goflment; in the townes of Sandwich, Barnstable, and Yarmouth as followeth: hee shall assist the head marshall as need shall require, and alsoe to execute

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all such warrants as shalbee issued out by the Goũ or any of the Assistants from time to time; and incase the head marshall shall make any destresse according to order, and the p̄ty on whom the destresse is made will not joyne with the head marshall in making choise of some to prise the thinges seized on, then this marshall shall joyne with the head marshall in valluing and prising of the thinges soe destressed for countrey vse.

And incase the warrant directed to this marshall of Sandwich for the gathering in of fines, and is driuen to make destresse, then hee shall haue power to make choise of one with him; and if the p̄ty refuse to prise the said goods soe seized on for the countreyes vse, and to haue two shillings in the pound for gathering of them in; further, hee shall haue full power to acte as a cunstable in all thinges in the towne of Sandwich, according to such warrants as shalbee directed vnto him.

The oath of the marshall of Sandwich, Barnstable, and Yarmouth is as followeth:—

You shall faithfully serue in the office of a marshall for the townes of Sandwich, Barnstable, and Yarmouth for this p̄sent yeare; you shall faithfully execute all such warrants as shalbee by the Goũ and any of the Assistants att any time directed to you; you shalbee assistant to the head marshall in gathering of fines and leuying of executions in the townes before mencioned; you shall reddily joyne with the said vper marshall, according to youer best vnderstanding, to value and apprise for the countrey any such fine or fines, sūme or sūmes, as hee shalbee ordered to gather, leuy, or distraine, in any of the places aforsaid; you shall alsoe faithfully gather, leuy, distraine, and receiue all such fines as by warrant to youer selfe directed you shalbee required, not exceeding for such seruice youer allowed fees; and in the towne of Sandwich you shall in all thinges acte as a cunstable, by apprehending felons or other suspicious p̄sons, keeping of the peace, seruicing of warrants, or any other publicke seruice that of the said cunstable may bee required.

The Court haue appointed Gorge Barlow vnto the said office for the following yeare.

*Att this Court, liberty is graunted vnto M^r Josias Winslow, Seni^r, to looke out a place to supply him with twenty fve acres of land, bought by him of Wiltam Fipps, deceased, according to order of Court extant; and when hee hath found out such a place, hee is to acquaint two of the majestates with it; and if it bee found conuenient, it shalbee confermed to him.

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A portion of land is graunted by the Court vnto M^r John Done, Josias Cooke, Richard Higgens, and Richard Sparrow, lying betwixt Bridgwater and Waymouth, which was formerly mencioned by Cap^t Cudworth and others ; the said M^r Done and the rest to haue considerable proportions of the said land, answarable to others in like case ; and for the remainder, that John Smally and others bee supplied out of it, bearing their p^{te} in the charge.

Wheras Leiftenant Joseph Rogers had liberty graunted him by the Court to make choise of some smale p^{cells} of meddow grounds that were free from any engagement, the said Leiftenant Rogers, with the approbation of M^r Prence, Gov^r, hath purchased of the Potonumaquatt Indians, namely, viz^d, Pompmo, the right propriator of those lands, as alsoe of Francis, the sachem to whom the said Pompmo gaue a portion of meddow att Potonumaquatt, two small portions of meddow, one called Aquaquesett, being about five acres, more or lesse, and another smale p^{cell} att a place called Mattahquesett, being about an acre and an halfe, more or lesse ; the sale of both which p^{cells} were acknowledged before the Gov^r, with due satisfaction receined.

Such as were appointed by the Court to bee ouerscers of the children and estate of M^r Alexander Winchester, deceased, — viz^d, Richard Bowin, Leiftenant Peter Hunt, and John Allin, of Rehoboth, — haue appointed vnto M^r Nicolas Pecke a home lott of land, being twelue acres, more or lesse, in the towne of Rehoboth, with an house and barne thereon, and all and singulare the appurtenance belonging vnto the said p^{misses}, as his p^{te} or portion of land, with his wife, named Mary, the eldest daughter of the said M^r Winchester ; and, according to the order of the said Richard Bowin, Peter Hunt, and John Allin, it is heer entered.

This is to certify all whom it may concerne, that all that was required vpon the arbitration betwixt James Walker and Wiltam Hailstone is p^{formed} by the said James Walker.

M^r Paddy and M^r John Winslow are requested and appointed by the Court, to joyne with our comissioners att Boston to giue meeting to those that shalbee sent from Road Iland, to deside the controuercy about Hogg Iland.

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*Leiftenant Southworth, John Dunham, Seni^r, Robert Finney, John Barnes, and Thomas Pope are requested and appointed by the Court to sett the range betwixt Nathaneell Warren and Robert Bartlett on the lands they now liue on, and they to begine the range where it was att the first as neare as may bee ; and wher any land is impaired by the sea, that not to hinder the range ; and what these find, or any three of them agree on, to stand.

Order by the Court, that the center of the towne of Bridgewater shalbee sett some time this summer before October Court.

It is agreed on by the Court, that there shalbee chosen such as the towne of Bridgewater shall thinke meet, that are noe way engaged in the New Plantation of Duxburrow, to view out the land and meddow desired by Bridgewater, and to consider of the resonableness of their desire in reference to the accomodating of some vselfull men that may bee vselfull in church and commonwealth, and make true report of the same as things are to the Court.

Jonathan Aldin approved by the Court to bee ensigne bearer of the military company of Duxburrow.

Wheras Susana Latham hath stood presented vnto this Court for sundry yeares for crewelty toward John Walker, seruant to Robert Latham, these are to signify, that accordingly as it was manifested in the Court, that if any will come in, they shall haue full and free libertie to procequite against her att the next October Court, or otherwise that then the said presentment shalbee rased out of the Court records.

Ordered by the Court, that whether the majestrates send for grand jurymen from Sandwich, or they bee sent by the towne, or come willingly, yett notwithstanding they shalbee allowed two shillings and six pence a day, according to the former order about it.

And it is left to the other townes of this gofiment to agree with their owne grand jurymen, as in speciall Rehoboth and Eastham.

Ordered by the Court, that the clarke shall forthwith supply with all convenient speed the seuerall townes of this jurisdiction with the booke of the lawes therof, the townes to find bookes, and hee to write them as aforesaid; and in case hee doe speedily doe it, hee is to haue ten shilling of each towne more then his ordinary wages; and if any towne shall refuse to find a booke, the clarke engageth to procure paper out of the said ten shillings to make them a book.

The Court doe declare, concerning Leiftenant Ryder, that forasmuch as such differences as were betwixt him and others (which were the cause that the Court required him to forbear acting in his place) are ended, that hee is approved of as the leiftenant of the milletary companie of Yarmouth, and to acte in his place as formerly.

*An agreement made the 15th of May, 1658, in the presence and with the heelp of Mr John Alden and Capt Josias Winslow, appointed therunto by the Court, touching a difference between the inhabitants of Barnstable and Paupmunnucke with the other Indians, his associates, about certaine land pur-

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Att the Court held att Plymouth the fift of October, 1658, proclamation was made three times in the Court, that if any would procequite against Susanna Latham according to this order, they should bee heard; but none appeared in the case, and according to this order, her presentment was rased out of the records of the Court.

This was not done as was intended, because the booke of lawes was not fully revised by the Court at this Court. But since, att the Court held the 2nd of October, 1658, it was renewed according to the tearmes aboue specified.

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chased of the said Indians in former contracts, bearing date the 17th of May, 1648, and the first of February, (48,) viz^d, that the said Paupmunnucke, Moash, Waumpum, and the rest of their associates, haue fully and absolutely resigned vp all the right, title, and claime which any or all of them haue or can make for themselves, or any others of their associates, in all and euery pte of those lands expressed in any of the aforesaid contracts, excepting the thirty acres excepted in the former contract, bearing date the 17th of May, (48,) lying att a necke called Cotochesett, and all the lands lying to the westward of Satuite Riuer, and the westward of a north west line ruining from the easterly side of the next planting feild to Coituute Pond, lying on the easterly side of the said riuer, vnto the bounds betwixt Sandwich and Barnstable, vnto the said inhabitants of Barnstable, vnto their proper vse and behoofe foreuer against any claimes by them or any other Indians whatsoever; alsoe, it is further agreed, that it shalbee free either for Indians or English to fetch such alewiues for their vse as they shall take in the said riuer. The said Paupmunnucke and his associates doe alsoe heerby acknowlidg themselves fully paid and quietly satisfied and contented for euer without any further trouble, binding of themselves to keep the former conditions about their setting trapps, with all the pmisses aforesaid. In witness wherof they haue heervnto sett their hands.

The markes of PAUPMUNUCKE,

MOASH,

WAVMPUM,

CHARLES is my name, (an Indian.)

Witness.

John Alden,

Josias Winslow.

A true cobby taken out of the towne booke, p mee,

THOMAS HINCKLEY, Scriba.

The 21st of May, 1658. The line between vs and the Indians aforesaid was accordingly sett at the east side of the aforesaid feild, onely makeing a sett to a bound marked tree, leaucing the skirts of good land lying about the said Coituute, allies Soituute, Pond, to the Indians, according to their desire, Richard Bourne, of Sandwich, being their p^rsent, according to the desire of M^r John Aldin and Capt Josias Winslow.

This 25 of May, (58.)

p mee,

THOMAS HINCKLEY,

Scriba Barnstable.

In answare to a petition prefered to the Court by the men of Reboboth, requesting soñ inlargment of lands and meddowes on the north side of their towne of such lands and meddowes as are not yett disposed of, the Court graunts that they may improue such said lands and meddow for the p̄sent ; and if the Court shall haue occasion to dispose thereof, they will not soe doe vntill they haue further notice from the petitioners.

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*May, Año Doñ 1658.



[*139.]

Witneseth these p̄sents, that Janno hath, the day and yeare aboue written, for and in consideration of six coates, six paire of smale breeches, ten howes, ten hatchetts, 2 brasse kettles, the one of six spans and the other of seauen of Joannos aforesaid spans, and one iron kettle of six spanes, to bee paied to him, Joanna, or his assignes, the one halfe moyetie by the first of August next ensueing the date heerof, and the other halfe moyety by the middle of May which shalbee in the yeare of our Lord 1659, bargained, sold, and confiermed vnto M^r John Alden and M^r Josias Winslow, in the behalfe of the townesmen of Yarmouth, all that tract and tracts of land, both vpland and meddowes, lying and being between the Basse Pond Riuer and a riuer called by an Indian name Tamahappaseakon, by the English the Fresh Riuer, and soe alonge that riuer to a great swamp att the head thereof, and from the westernmost end of the said swampe on a straight line throw the land vnto Stoney Coue Riuer, with all the profits, p̄quesites, and appurtenances thervnto or to any p̄te or p̄cell thereof in any wise belonging, to haue and to hold the said tracts of land to the towne of Yarmouth for euer, and to defend and saue harmles from time to time the said townsmen of Yarmouth, and euery of them, of and from all titles, claimes, and molestations which shalbee made by any Indian or Indians to the said tract of land, or any p̄te or p̄cell of the same, att any time heerafter. In witnes wherof the said Joanno heervnto hath his marke.

The marke + of the said JOANNO.

In the p̄sence of

Thomas Dexter,

The marke of, , Josias, an Indian,The marke of Nick, , an Indian.

June the fift, 1658. Liberty was graunted by the Court vnto Phenias Prat, or any for him, to looke out a p̄cell or tract of land to accomodate him and his posteritie withall, together with other freemen, or alone, as hee shall

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thinke meet, and to make reporte of the same vnto the Court, that soe a considerable proportion therof may bee confermed vnto him.

*A Writing appointed to bee recorded.

Wheras there hath been some vnhappy differences between the towne of Yarmouth and their comitties concerning some lands which they apprehended were formerly purchased of Jana, but through soñ neglect of theirs in not paying of the Indian for the said lands, haue bine of late denyed by him to bee sould, and the possessors mollested. M^r John Alden and Cap^t Josias Winslow being ordered by the Court to heare, and if it might bee, determine such differences as were either between the English before mencioned or between the comitties and the Indian, the towne of Yarmouth haueing made choise of M^r Edmond Hawes, Robert Denis, Ed Sturgis, and Thomas Boardman, and impowered them to manage and issue their aforesaid differences, there being propositions made on both sides tending to a composure, yett they not fully closing in their propositions, but refering it by mutuall agreement to the abouesaid M^r John Alden and Captaine Josias Winslow as vmpiers, to determine between them about the p^rmises.

Wee, the abouesaid John Alden and Josias Winslow, doe determine as followeth, viz^t: that the charge of the purchase, as now agreed vpon between vs and Jana, shalbee equally bourne betwixt the said comitties and the towne; and further, that the other six pounds, which is charges that the towne haue bine att about this busines, shalbee foure pounds of it bourne by the towne, and by M^r Anthony Thacher, and M^r Howes, twenty shillings a peece, and of this latter six pounds old M^r Crow to bee excused; and that this bee a finall end of all differences about the p^rmises.

May the 14th, 1658.

JOHN ALDEN,
JOSIAS WINSLOW.

The 15th of March, 1657.

Wee, whose names are vnderwritten, being appointed to view the corpes of Simon Dauis, late deceased, being a child about 2 yeares old, the son of Nicholas Dauis, of Barnstable, declare, according to our best vnderstanding, how hee came by his death, doe find as followeth: that the corpes was taken out of the water in the creeke dead; wee find alsoe that the necke of the said Simon Dauis was misplaced, but wee can not find that there was any violence

offered to him that might bee the cause of his death ; it being the 13th day of Febrewary when the corpes was taken vp. 1658.

5 June.
PRENCE,
Gov^r.

HENERY COBB,
JOHN SMITH,
ISACKE ROBINSON,
MATHEW FULLER,
TRUSTRUM HULL,
JAMES HAMBLEN,
DAUID LYNNALL,
JOHN \ddagger CARSELEY, his marke.
ISACKE \ddagger WELLS, his marke.
ANTHONY ANNABLE,
NATHANIELL BACON,
JOSEPH LAYTHORPE.

**Att the Court of Assistants held att Plymouth the fourth of August,* 4 August.
1658. [*141.]

BEFOR Wiltam Collyare, Leiftenant Thomas Southworth, and
Capt Josias Winslow, Ensigne Wiltam Bradford,
Asistants, &c.

V PON the complaint of Gorge Bonum against Joseph Ramsden, for non payment of a barrell of tarr due to him from the said Ramsden, hee, the said Ramsden, afirmiting that hee had paied the said barrell of tarr to Gyles Rickard, Seni^r, for the vse of the said Bonum, w^h hee could not proue, the Court ordered, that with all convenient speed hee should pay a barrell of tarr to the said Gorge Bonum.

The Court haue ordered, that the Tresurer shall require the fines due for the breach of the law prohibiting the frequenting of the Quakers meetings, according to a list of names giuen in by Gorge Barlow, the marshall of Sandwich, of sundry there which haue transgressed the said order, viz^s, that the said fines bee lenied according to what is dew for the trespas once comited, and that the fine of forty shillings bee required of Wiltam Allin, of Sandwich, for pmiting a Quakers meeting in his house, contrary to the order of Court.

1658.

4 August.
PRENCE,
Gov^r.

| | |
|--|---------------------|
| M ^r Josias Winslow, Seni ^r , | Timothy Williamson, |
| M ^r John Bradford, | Abraham Jackson, |
| M ^r Samuell Arnold, | Samuell Baker, |
| Thomas Doghead, | Anthony Snow, |
| John Russell, | Joseph Rose, |
| John Adams, | John Caruer, |

being impannelled and sworne to site vpon the corpes of John Phillippes, Juni^r, whoe very suddenly expired on Satterday, the last of July, 1658, —

Wee find, that this p̄sent day, John Phillipps, Juni^r, came into his dwell- ing, lately knowne or called M^r Buckleyes house, in good health, as Goodwife Williamson afeirmeth, and satt vpon a stoole by the chimney, and by an im̄ediate hand of God, manifested in thunder and lightening, the said John Phillippes came by his death.

Att the Court aboue expressed, Cap^t Richard Morris complained of soñ injuries, both by speeches and carriages, offered vnto him by soñ Indians bordering vpon Rood Iland, within the lymetts of this goūment. One of the said Indians, being now att y^e Court on other occations, was by the Court to carry soc noe more; but incase any materiall differences should arise betwixt the said Morris and them theire, that they should repaire to the Court, and make their complaint, and shalbee heard.

These are to signify vnto all whom it may concern, that John Ensigne, the son of Thomas Ensigne, hath chosen Captaine James Cudworth to bee his guardian vntill hee come to bee age.

29 September.

**Att the 2^{cond} Session of the Court held att Plymouth the 29th of September, 1658.*

[*142.]

By the Majestrates and Deputies assembled.

AN order directed to M^r Joseph Tilden, as followeth : —
M^r Tilden : You may please to take notice, that the Court, haueing considered your request to our honored Goũ for a further hearing, doe graunt you libertie to haue a review of the trauerse of your p̄sentment, you bearing the charge of the Court, and shalbee glad if you can cleare yourselfe. The time appointed to attend the same shalbee on the sixt day of the same weeke wherin March Court next shalbee kept, if you manifest your acceptance

therof to this next October Court, that soe oppertunitie may bee had to giue notice to those that haue heertofore had cause to make plea against you to appeer theratt.

1658.

29 September.

PRENCE,
Gou^r.

P mee, NATHANIELL MORTON,
Clarke of the Court.

Wheras, in answare to a petition prefered by M^r Joseph Tilden, the Court haue graunted vnto the said Joseph Tilden a review of the trauerse of his p^sentment, to bee tryed on the sixth day of the weeke in the which the next March Court wilbee. The Court haue appointed Humphrey Johnson and Gilbert Brookes as attorneys in the behalfe of the Court to appeer in the case, and to haue recourse, as occation shall require, to any majestrate for supenaes to giue euidence in the case.

The Court giueth libertie vnto John Irish, of Duxburrow, to make enquiry and serch out a portion of land to accomodate him according to his indenture, and Constant Southworth hath engaged to healep him therein; and the like is graunted by the Court to any other in like condition that are able to claime the like libertie by the like right as the said Irish hath done.

M^r Collyare, M^r Alden, and Constant Southworth are requested and appointed by the Court to take some speedy course to reduce Goodwife Thomas, a Welch woman, liueing att the North Riuer, to liue more orderly, soe as shee bee not for the future indangered to come to missery and extremity, as formerly shee hath bine.

Likewise, the deputies of each towne were requested to enquire in their respectiue townes concerning such psons, and to make report to the Court of such, if any shalbee found.

The Court, by joynt consent, agreed that a cheife milletary officer should bee chosen, whoe shall bee stiled a major, the tenor of whose office is expressed more att large three pages forward in this booke; and the Court allowed vnto such a one as should bee chosen the sume of ten pound as a small gratuitie.

It was ordered by the Court, that the railing papers sent to the Gou^r, to M^r Alden, from Humphrey Norton, together with Winters deposition & Nortons reply, should bee put on publicke records; and that due course bee forthwith taken to apprehend the body of the said Norton, that soe hee may bee brought to condign punishment, according to his demerits.

Of this see
more in the
book of euidence of lands,
recorded att
the latter end.

1658. *Att the Generall Court holden att Plymouth the 2^{cond} of October,
1658.

2 October.
PRENCE,
Gov^r.
[*143.]

BEFORE Thomas Prence, Gov^r, Thomas Southworth,
Wiltam Collyare, Wiltam Bradford, and
John Alden, Thomas Hinekley,
Josias Winslow,
Assistants, &c.

LEIFTENANT MATHEW FULLER, being p^sented for speaking reproachfully of the Court, and saying the law enacted about minneters maintainance was a wicked and a diuillish law, and that the diuell satt att the sterne when it was enacted, the words being proued, hee refering himselfe to the Bench, they sensure to bee fined fifty shillings.

M^r Wiltam Hedge being p^sented for threatening to haue the bloud of Edward Sturgis, vpon some smale difference betwixt them, the Court doe censure him to pay to the countries vse the sume of ten shillings.

Leiftenant James Wiatt to bee sharply reproued for his writing a note about com^on business on the Lords day, att least in the euening somewhat to soone.

Th^o Lucas being p^sented for being taken in drinke, it being the 2^{cond} time hee hath bine convict of this crime, hee is, according to the order of Court, fined ten shillings, and for his retailing of strong liquors, himselfe confessing it, hee is fined fiue shillings to the countreyes vse.

Lydia, the wife of Henery Tayler, being p^sented for retailing and selling stronge waters to an Indian, shee confessing the same, is fined to the countreyes vse fiue shillings.

Wiltam Newland, for neglecting to bring his daughters to the Court, according to a warrant directed to him for that end, fined twenty shillings.

The proportions of the rates of the seuerall townships for this yeare were, viz^s, for the charge of the majestrates table and of the com^oissioners and pub^licke officers wages, as followeth: —

| | |
|----------------------|--------------|
| Plymouth, | 06 : 13 : 06 |
| Duxburrow, | 06 : 00 : 9 |
| Scittuate, | 10 : 16 : 6 |
| Sandwich, | 07 : 17 : 00 |
| Taunton, | 06 : 02 : 00 |
| Yarmouth, | 06 : 00 : 09 |

| | |
|-----------------------|--------------|
| Barnstable, | 06 : 13 : 06 |
| Marshfield, | 06 : 00 : 06 |
| Rehoboth, | 10 : 16 : 06 |
| Eastham, | 04 : 07 : 0 |
| | <hr/> |
| | 71 : 08 : 08 |

1658.

2 October.
PRENCE,
Gov^r.

Bridgwater to ease Duxburrow rate a third pte.

*Nathaniell Bacon appointed by the Court to reserue the smale estate of Hugh Jackson, and to bee responsible to giue account therof when any true propriator shall lay claime thervnto. [*144.]

The Court haueing taken into their seriouse consideration some signes of Gods displeasure, manifested by his afflicting hand on the country, p̄tely by his visitation of many families and p̄sons with sicknes and weaknes, and p̄tely by the vnseasonableness of the weather for the in̄ig the fruites of the earth for our owne food and stouer for our cattle, as alsoe by leting loose as a scourge vpon vs those freeting gangreinlike doctrines and p̄sons commonly called Quakers, and not hetherto soe effectually blessing our indeauors as wee haue desired for preuening their infection and desturbance, as alsoe by the two much preuailing of a sperit of deuision and disv̄nion both in church and ciuell affaires, to the great dishoner of God and discomfort one of another, and therefore doe desire a generall day of humiliation may bee kept by the churches and inhabitants of this jurisdiction, as conceiuing that by the p̄mises God doth aloude call vs to see what it is hee therby speakes to vs, and to humble our soules before him, seeking his face, &c. The day pitched vpon for the aforsaid duty is the 21 of this p̄sent October, 1658.

The Court haue appointed and deputed James Skiffe to exercise the milletary companie of Sandwich in their armes att such times as they shall haue occation to traine, although not as an officer, but to supply in the stead of one to exercise them in armes as aforsaid vntill other healp can bee procured.

The countryes stocke of powder and shott is as followeth, viz^s: six barrells of powder, and two barrells and an halfe of shott, and a cake of lead; which said powder, shott, & lead was not deuided, but desposed to seuerall p̄tes of this jurisdiction, for the more safety of it and conueniencye for the vse of the country, as occation shall require.

Iḡ, one barrell of powder desposed to the custitie of the Gov̄l att Eastham, and the halfe barrell of shott.

Iḡ, to M^r Allin, att Barnstable, one barrell of powder and a barrell of shott.

This was done by the joint consent of the majestrates and the deputies att the 2^{oood} session of June Court, 1658.

1658.

It, two barrells of powder vnto Major Winslow att Marshfeild, and a barrell of shott.

2 October.
PRENCE,
Gov^r.

It, to Cap^t Willett, att Plymouth, one barrell of powder and the one halfe of the cake of lead.

This was done by the joynt conceit of the majestrates and the deputies att the 2^ond session of June Court, 1658.

It, to James Walker, att Taunton, one barrell of powder and the other halfe of the cake of lead.

Mr Timothy Hatherley is appointed and deputed by the Court to administer marriage att Scituate as occasion shall require.

[*145.]

*The councell of warr, being assembled, doe heerby constitute, impower, and comissionate you, our trusty and wee beloued frind, Captaine Josias Winslow, to bee as cheife officer ouer the milletary companies of this jurisdiction, bearing the title of a major, and to act therein as is prouided by order of Court annexed to your office, according to such instructions as you haue, or shall from time to time receiue, from the councell of warr. In psuance wherof all captaines, inferior officers, and souldiers are heerby required to bee in redy subjection to you during your continuance in the said office, which shalbee vntill the counsell of warr shall see cause otherwise to order.



THO: PRENCE, President,
With the conceit of the rest of
the Councell of Warr.

Giuen vnder our hand and seale.

Instructions for the Major.

1. You shall take into your comāund the seuerall milletary companies, both horse and foot, of this jurisdiction, and take care that they bee orderly trained vp in the vse of armes.
2. You shall take care that armes bee fix and seruiceable.
3. You shall carfully appoint such watches and gaurds as may bee needfull for the saftey or honer of the gouernment.
4. You shall yearly appoint generall musters, or meetings of such companies as can with any conveniency meet together, and, with the aduise of your councell, order the same.
5. Incase of any sudden and vnexpected approach of an enimie, or insurrection within ourselues, you shall indeauor to put these companies into such a posture of defence as your selfe and such of your councill of warr shall giue you instructions therabouts.

6. You shalbee redy att all times to obserue and execute such further instructions, either respecting discipline or reall seruice, as shall from time to time by the counsell of warr bee directed to you.

7. You shall on all occations bee redy to aduise with such as the counsell of warr shall appoint to bee of your counsell; and they haue for the p̄sent chosen these heerafter nominated, viz: Cap̄t Thō Willet, Leif̄t Thō Southworth, Ensigne Wil̄am Bradford, M^r Constant Southworth, Leif̄t Samuell Nash, Leif̄t James Torrey, Ensigne John Williams, Cap̄t Wil̄am Poole, M^r Thō Hinckley, Leif̄t Mathew Fuller, Leif̄t Samueller Rider, Ensigne Wil̄am Hedge, Leif̄t Peregrine White, Ensigne Marke Eames, Leif̄t Peter Hunt, Ensigne John Browne, Leif̄t Joseph Rogers, Ensigne John Freeman, Ensigne Josias Standish, and doe allow that these, or any six or more of them, with yourselſe, shall acte as a counsell.

1658.

2 October.
PRENCE,
Gou^r.

*Whereas the Gou^r, M^r Thō Prence, with some other of the majestrates, were appointed and with full power authorised, by the Court held att Plym-outh in June, to make enquiry into and redresse of sundry greiuances lying vpon sundry the ancient inhabitants of Sandwich, exprest in a petition for that end vnto the Court, vnder the hands of sundry of them, the inhabitants therefore being assembled together on the twenty seauenth of August, 1658, and the matter being enquired into by the Gou^r with the rest as aforesaid, and finding sundry of the inhabitant assumeing power to acte wherein they haue noe right soe to doe by reason of there non legall admittance as inhabitants according to order bearing date the third of October, 1639, viz: Ralph Allin, Seni^r, Thō Ewer, Thō Greenfield, Richard Kerbey, Juni^r, Henery Saunders, Mathew Allin, John Jenkins, Daniell Winge, Steuen Winge, haue therefore ordered, that those men aforesaid, and euery of them, shall henceforth haue noe power to acte in any towne meeting till better euidence appeer of there legall admittance, or to claime title or interest into any towne priuiledges as townes men, according to the Court orders aforesaid; and this order alsoe to take hold of any others besides, whoe shall appeer to haue noe legall admittance as aforesaid.

[*146.]

And for the better carrying on of afaires among them, in order to the end of the Courts granting the plantation, it is therefore ordered, that noe man shall hence forth bee admitted an inhabitant into Sandwich, or enjoy the priuiledges therof, without the approbation of the church, and M^r Thō Prence, or any of the Assistants whoe they shall choose, according as to the same effect is exprest in the aforesaid orders of Court bearing date the 3^d of October, 1639.

M^r Edward Dillingham

1658.

2 October.
PRINCE,
Gov^r.

October the 2nd, 1658. Att this Court, Robert Harper, Ralph Allin, Seni^r, John Allin, Edward Perrey, Richard Kerbey, Juni^r, Wiltam Allin, Thomas Ewer, Wiltam Gifford, Mathew Allin, Daniell Winge, and John Jenkins, of Sandwich, for refusing to take the oath of fidelitie, were fined each of them five pounds to the collonies vse.

3 December.
[*147.]

**Att a Court of Assistants holden att Plymouth the third of
December, 1658.*

BEFORE Wiltam Collyare,
Thomas Willett,
Josias Winslow,

Wiltam Bradford, and
Thomas Hinckley,

Assistants, &c.

THE Court haue ordered, that Major Winslow shall take sufficient securitie for the appearence of Richard Bear, to appeer att the Court to bee holden the first Tusday in March next, and to release him of his present imprisonment vntill then.

That Wiltam Newland bee required to bring, or cause to be brought, his two daughters to the Court to bee holden att Plymouth the first Tusday in March next, to answare for their abuseing of the marshall, Barlow, in the execution of his office.

Wheras it is obserued, that frequently diuers of those called Quakers haue repaired to Sandwich from other places by sea, coning in att Mannomett with a boat, which practiees, if continued, the Court conceiueth may proue of dangerouse consequence, the Court doth impower and authorise you, Gorę Barlow, marshall of Sandwich, &c, that incase you shall haue any intelligence of the arivall of any of those called Quakers att Mannomett or any place ajacent vpon the coast within our jurisdiction, that you forthwith repaire to such boates, requiring competent aid to goe with you, and arest any such boate or boates, takinge their sayles from their mastes, and securing them vntill some of the majestrates bee acquainted therwith, and further order giuen you about the same; and likewise that you apprehend the bodies of all such Quakers as shall come in any such boates, or any other Quakers you shall there and then find, and to proceed with them as efectually as if you found them within the bounds of Sandwich or any towne within your liberties.

That a summons bee sent for James Skiffe to March Court, then to make his appearence to answare to such things as shalbee objected against him in regard of tradusing the law about refusing to take the oath of fidelitie.

1658.

3 December.
PRENCE,
GOU^r.

**At the Generall Court holden att Plymouth, in New England, the first of March, 1658.*

1658-9.

1 March.
[*148.]

BEFORE Thomas Prence, Gou^r,
Wiltam Collyare,
John Alden,
Thomas Willett,

Josias Winslow,
Thomas Southworth,
Wiltam Bradford, and
Thomas Hinckley,

Assistants, &c.

WHERAS this Court takes notice of sundry of the inhabitants of Yarmouth to bee reddey, as by a list presented doth appeer, to discharge their duty according to their abilities for the incurragment and support of the minnestrey of the word amongst them, which this Court doth very well resent from them, and can not but as ill resent the contrary in such of them as doe neglect their duty therein, and therefore order, that the cunstable of Yarmouth summons the inhabitants to meet together, both church and towne, and propose vnto them what each particulare man will freely engage towards the making vp of forty or fifty pounds yearly for the end aforesaid; and incase that there bee any which notwithstanding shall neglect soe to doe their duty therein, — which this Court would hope otherwise, — that then foure men bee chosen to make a leuy on such as neglect soe to doe in some way proportionable to what others of their neighbours whoe are reddey to doe their duties in the promises haue freely engaged; and incase there bee none chosen as aforesaid, or, being chosen, neglect their trust therein, then the Court orders these foure men following to acte therein, viz^t: M^r Anthony Thacher, Thō Boardman, Richard Seares, and Andrew Hallott; and that destresse bee made by the cunstable vpon such as refuse to pay such their proportions, as in other just case is provided, as alsoe to make destresse vpon the goods of such as neglect to pforme their engagements aforesaid, vnlesse they shalbee eminently disinabled by some hand of God on them to pforme such their engagements; this leuy to bee both annually made by them and annually collected by the cunstable vntill the Court see cause to alter it otherwise.

1658-9.

1 March.
PRENCE,
Gou^r.

Wheras complaint is made vnto the Court by Isacke Robinson and Gyles Rickard, Seni^r, in the behalfe of two children of Henery Coggen, deceased, — which said children, lineing with John Finney, of Barnstable, are conceined to suffer wrong in sundry respects, — the Court haue refered the case to the hearing of the Gou^r and M^r Hincley, and to put an end thervnto, if it may bee; but if not, it is refered to the Court to bee holden att Plymouth in May next.

The Court, takeing notice that John Winge is erecting a building in a place which is out of the bounds of any township, and conceiuing such practices, if pmitted, may proue prejudicall to the whole, doe order that the said John Winge, and all others that haue or shall soc doe, bee prohibited to psist on therin vntill it bee further cleared to what township such said lands belonge on which they build.

[*149.] *M^r Joseph Tilden being graunted a further hearing in the case of his psentment, and comited to the Bench to issue, the said Joseph Tilden, by these psents, engageth himselfe bounde to forfeite five hundred pounds sterling incase, after the determination of this Court, hee shall molest or trouble any pson, in any place whatsoever, about the said case, in any matters relating therto.

JOSEPH TILDEN.

The said Josephus Tilden alsoe engaged to defray the charges of the psent Court imployed about the aforesaid case.

The Court alsoe ordereth, that noe man shall molest or trouble the said Joseph Tilden about the said case after the determination of this psent Court shalbee fulfilled in puting a finall issue to the said case now in dependance.

[*150.] Wheras the Court haue graunted vnto M^r Joseph Tilden a further hearing in the matter of his psentment about his oath, they haueing spent much time in hearing of such debates and pleas as might any way tend to the clearing vp the truth in that matter, being of nothing more desirouse then to vindicate the innocent, and settle the blame of any former transactions where it is most just to rest, the matter being refered to the determination of the Bench, they conclude, that all former transactions of Courts relating heervnto are not fully justifiable; *nor may wee fully cleare M^r Tilden from all blame about the same. It being long since these things were first in agitation, and some evidences that then passed in Court not now appeering, yett principally minding such new evidences as haue now bine produced, both to the takeing

of *of* some former testimonies, and alsoe further clearing of his innocency then what hath formerly appeered, wee doe acquitt him of his former charge of censure for a false oath, because not grounded vpon sufficient testimonies, and doe further order, that his presentment being taken out of the records, this our finall determination about the promises bee in his vindication recorded, and, lastly, doe agree, that M^r Tilden bearing the charges of his frinds in this tryall, the country shall alsoe beare the charges of their attorneyes and euidences aded heerunto; that the said M^r Tilden is to bee cleared by open proclamation att the Generall Court to bee holden att Plymouth in June next.

M^r John Alden, Cap^t Thomas Willett, Major Josias Winslow, M^r Wilt Bradford, and Leiftenant Thomas Southworth were comissionated by the Court to giue meeting vnto those which the Court of Road Iland shall depute, to treat and conclude with them about an iland in controuersy betwixt them and vs, lying in the Narragansett Bay, called Hogg Iland; and incase the abouesaid persons, or any of them, should bee hindered by Providence soe as they can not goe, that then the Court requests and appoints M^r Josias Winslow, Seni^r, and M^r Constant Southworth, to make a supply.

Henery Saunderson, for kiling of a cow belonging to the country, att Sandwich, the said cow being valued att three pound and fifteen shillings, was sentenced by the Court to pay and make good as good a cow againe to the Treasurer.

*The Deposition of John Haddaway, aged about forty Yeares.

[*151.]

This deponent testifyeth, that being in the Bay about the time of M^r Garretts setting sayle for England, vpon occasion of John Gorums calling him in to Goodman Stibbins, of Boston, this deponent testifyeth, that hee heard Hugh Jackson, late of Barnstable, will and bequeath what hee left heer in the country vnto Joshua Lumbert, of Barnstable aforesaid, his debts being payed, incase it pleased God that the said Hughe returned not thither againe; and further this deponent saith not, onely that hee was desired to bee a witness theervnto.

THOMAS HINCKLEY, Assistant.

Att this Court, John Gorum and Barnabas Laythorp came into the Court, and tooke oath to the like effect as aboue expressed.

Wheras att this Court, John Winge testified and cleared vp vnto the Court, that the estate of Daniell Winge is made ouer vnto his children, the Court allow therof, provided that the said John Winge giue in vnto the Court a true inventory of the estate soe desposed and engaged, and that hee likewise

1658-9.

1 March.
PRENCE,
Gou^r.

1658-9. engage that the said estate shalbee employed for the vse of the said children.

1 March.
PRENCE,
GOU^r.

Vpon the complaint of Wiltam Tubbs, that Goodwife Thomas, a Welch woman, that shee dwelleth on his land without his leaue, the Court haue appointed M^r Collyare and M^r Alden to take some speedy course to remoue her vnto her owne land.

Memorand : that Wiltam Newland did say in Court, that Gorge Barlow brake vp his house in the night, wherby hee suffered much damage.

Thomas Butler, for refusing to assist the marshall, Barlow, in the execution of his office, fined ten shillings to the vse of the collonie.

[*152.]

*Wee, whose names are vnderwritten, doe testify, that Nathaneell West, a stranger to vs, belonging to Road Iland, being by Gods prouidence amongst vs, and being vnder cure of an infirmitie of his body, it appeers that hee had occation to goe to Prouidence, and going vpon the icyce, it brake, and hee fell in and was drowned; when his body was taken vp, it appeered to vs that his death was noe way violent nor wilfull, but accedental, as farr as wee apprehend.

M^r Joseph Pecke, M^r Stephen Paine, and Thomas Cooper were not att the takeing of him vp; but when hee was brought to the towne, they found him to bee as is aboue expressed, to their best apprehensions. John Perrum and Gorg Kenericke did alsoe see him, and found as is aboue mencioned.

PHILLIP WALKER, Cunstable.
Leiftenant HUNT,
JOHN READ,
ROGER ANNADOWNE,
ROBERTT FULLER,
ROBERT WHEATON,
ANTHONY PERREY,
THOMAS WILMOTH,
DANIELL SMITH,
EDWARD HALL,
JAMES REDDAWAY,
NICHOLAS IYDE,
JOHN MARTIN,
RICHARD BULLOCKE,
RICHARD BOWIN.

Wheras there are sundry fines belonging to the countrey, the Court

orders, that the seuerall townes shall haue such a proportion therof as will amount to three pounds p horse for euery horse the said townes are to prouide for the raising of a troope according to order of Court; the said moneyes to bee employed as the townes shall see cause for the ends aforesaid.

1658-9.
 1 March.
 P. RENCE.
 Gou^r.

Wiltam Bassett, Jun^r, is lycenced by the Court to draw and sell wine and stronge waters att Sandwich for the refreshment of trauellers, vntill such time as some other whom the Court shall judge meet shall sett vp an ordinary att Sandwich; but the said Wiltam Bassett is not to pmitt any of the towne to stay drinkeing att his house.

Lycence is alsoe graunted vnto Gyles Rickard, Seni^r, and John Barnes to keep each of them an ordinary att Plymouth att Court times for the entertainement of strangers, and to prouide things nessesary for that purpose, but not to suffer any to stay drinkeing in their houses that are dwelling in the towne of Plymouth.

Mary, the wife of Walter Briggs, of Scittuate, haueing bine p^sented for telling of a lye, the Court, haueing examined p^ticulares about it, haue cleared the said Mary Briggs, but desired M^r Hatherley from the Court to admonish her to bee wary of giueing occasion of offence to others, by vnnessesary talkeing to the occasioning of others to complaine or raise such aspersions.

*Wiltam Nelson being p^sented for vnciuell carrages towards seuerall weomen att seuerall times, it being cleared to the Court that hee was guilty by seuerall testimonyes, hee was centanced by the Court to sitt in the stockes during the pleasure of the Court (which accordingly was p^formed) and likewise to find surties for his good behavior.

[*153.]

| | |
|--|----------------|
| The said Wiltam Nelson acknowledgeth to owe vnto | } 40 : 00 : 00 |
| his highnes, the Lord Protector, the sume of . . . | |
| John Barnes the sume of | 20 : 00 : 00 |
| Thomas Pope the sume of | 20 : 00 : 00 |

The condition, that if the said Wiltam Nelson shalbee of good behavior towards all manor of psons, and in speciall in respect of his laciouse cariages towards weomen, whereof hee hath bine accused in Court, and appeer att the Court to bee holden att Plymouth the first Tusday in June next, and not depart the said Court without lycence, that then, &c.

William Nelson
 cleared of these
 bonds.

These may certify all whom it may concerne, that the fourth of March, 1658, that these men whose names are vnderwritten, by the intelligence of an Indian, came to a place a little below Namaskett, where the Indians tooke vp an English man out of the Riuer of Tetacutt, with a blew paire of stockings and a gray listed garter, and likewise p^te of a lockorum paire of briches with

1658-9. wyer bottons fastened about his wast; but wee found noe blemish about the man that should any way cause his death, but as wee conceiue was drowned accedentially; and finding the man thuse, wee haue buried him, and haue satisfied the Indians for their paines.

1 March.
PRENCE,
Gov^r.

| | |
|---------------------------------|-----------------------------------|
| SAMUELL EDSON, | THOMAS HAWARD, Jun ^r , |
| NATHANEELL WILLIS, | WILLIAM SNOW, |
| JOHN WILLIS, | LAWRANCE WILLIS, |
| JOHN VOBES, | SOLOMON LENERSON, |
| ARTHER HARRIS, | GUYDO BAYLEY, |
| JOHN HAWARD, Sen ^r , | NATHANEELL HAWARD, |
| MARKE LAYTHORPE, | JOHN CAREW, |
| | from Bridgwater. |

And s̄perscribed these: I pray you deliuer this to M^r Collyer, or M^r Alden, either of them, to doe with as they shall see meet.

And by them sence ordered heer to bee recorded as aboucsaid.

1659.

**.Att a Court held att Plymouth the third Day of May, 1659.*

3 May.
[*154.]

| | |
|--------------------|-----------------------|
| BEFORE John Alden, | William Bradford, and |
| Josias Winslow, | Thomas Hinckley, |
| Thomas Southworth, | |
| Assistants, &c. | |

WHERAS complaint was made against John Williams, of Scittuate, for hard vseage of a daughter of John Barker, deceased, the Court haue ordered, that the said child shalbee and continew with Thomas Bird, of Scittuate, vntill the next Court; and that shee being weake and infeirme, the said Thō Bird is to endeauor to procure meanes for her cure, and what expence hee shalbee att about the same, the Court engageth to take order that hee shalbee paid; and the said Thomas Bird is to appeer att the next Court to giue in what testimony hee can produce to cleare vp the case betwixt the said John Williams and his kinswoman, the said gerle.

In answare to the desire of some whoe requested the Court that a child, viz^d, one of the sones of Henery Coggen, deceased, should bee remoued from the family of John Finney, his father in law, the Court haue ordered that the said boy shalbee and remaine with his said father in law vntill the next Court,

1659.

3 May.
PRENCE,
GOU^r.

during which time hee shall keep him att scoole all the time, excepting six daies, and in the meane time to gett in a reddynes the account of the estate; and because there is some hopes or possibilities of hearing from M^r Bishop, the grandfather of the said child, before the next Court, the Court are vnwill- ing to settle p̄ticulares about the said boy and estate vntill then.

John Coggen, son of Henery Coggen aboussaid, hath made choise of Cap^t James Cudworth and M^r Isacke Robinson to bee his guardians, the Court allowing and approucing of the same.

*John Ellis is allowed by the Court to keep an ordinary att Sandwich for the entertainment of strangers and trauellers, and hee is to prouide conveniencies for that end, and may sell strong waters and wine for such purposes; but is prohibited to pmitt towne dwellers to stay drinkeing vnnessearily att his house.

[*155.]

Wheras the Court are informed that the cunstable of Taunton hath at- tached a petticoate or goane belonging to Wiltam Hailstone, of Taunton, in the behalfe of the cuntry for the satisfying of a fine, the Court haue ordered that the said goune or petticoate shalbee released to the said Hailstone, and to bee deliuered vnto him vpon his demaund, the Court still retaining there interest in the said fine.

| | | | | |
|---|---|----|----|----|
| Richard French acknowledgeth to owe to his highnes, | } | l | s | d |
| the Lord Protector, the sume of | | 40 | 00 | 00 |
| M ^r Josias Winslowe, Seni ^r , the sume of | | 05 | 00 | 00 |
| Cap ^t Nathaneell Thomas the sume of | | 05 | 00 | 00 |
| And the marshall, Gorge Barlow, the sume of | | 10 | 00 | 00 |

The condition that if the said Richard French shall appeer att the Court to bee holden att Plymouth the first Thursday in June next, then and there to answare vnto such thinges as shalbee objected against him conserning vnleanes comitted with Hephthzibah Andrewes, and not depart the said Court without lycence; that then, &c.

To Isacke Bucke, cunstable of Scittuate, greet, &c :

These are to signify vnto you, that, on the complaint of Constant South- worth, of neglect of payment of what is due for the charge of the majestrates table, and the complaint of Nathaneell Morton, the clarke of the Court, of neglect of payment of p̄te of what is due of his wages, the Court orders that full and due payment bee made in respect of both betwixt this and June Court next, both in quantitie and qualitie, that soe these complaints may bee ended, or otherwise the Court will then take further course about the p̄mises.

This order was deliuered to Humphrey Johnson in the Court.

The Courts order. P me, NATHANEELL MORTON,
Clarke of the Court.

1659. *Att a Generall Court of Election, holden att Plymouth the seauenth
Day of June, 1659.

7 June.

PRENCE,
Gou^r.

[*156.]

BEFORE Thomas Prence, Gou^r, Thomas Southworth,
John Aldin, Wiltam Bradford, and
Josias Winslow, Thomas Hinckley,
Assistants, &c.

M^R THOMAS PRENCE was chosen Gou^r, and sworne.

| | |
|---------------------------------|---------------------------------------|
| M ^r Wiltam Collyare, | } were chosen Assistants, and sworne. |
| John Alden, | |
| Thomas Willett, | |
| Josias Winslow, | |
| Thomas Southworth, | |
| Wiltam Bradford, and | |
| Thomas Hinckley, | |

Major Josias Winslow and Leiftenant Thomas Southworth were chosen
comissioners.

M^r Constant Southworth was chosen Treasurer, and sworne.

The Names of the Deputies of the seuerall Townes.

| | |
|----------------------------------|--|
| John Dunham, Seni ^r , | Henery Cobb, |
| Robert Finney, | Nathancell Bacon, |
| Ephraim Morton, | M ^r Anthony Thacher, |
| Nathaneell Warren, | M ^r Thō Howes, |
| Constant Southworth, | M ^r Josias Winslow, Seni ^r , |
| Wiltam Paybody, | Anthony Snow, |
| Robert Studson, | M ^r Stephen Paine, |
| M ^r John Vincent, | Wiltam Sabin, |
| Richard Williams, | M ^r John Douc, |
| James Walker, | Josias Cooke, |
| | John Willis. |

Captaine Cud-
worth and
James Skiffe
were not ap-
proved by the
Court.

[*157.]

*The Grand Enquest.

| | | | | | |
|---------|---|---|---------|---|--------------------------------|
| sworne, | { | M ^r Thomas Dexter, Seni ^r , | sworne, | { | Walter Briggs, |
| | | M ^r Wiltam Lumpkin, | | | Henery Wood, ab ^s , |
| | | M ^r Wiltam Hedge, | | | Henery Sampson, |
| | | Richard Sparrow, | | | Jonathan Dunham, |

| | | | | | |
|---------|---|---------------------|---------|---|---------------------------------|
| sworne, | { | Anthony Slocum, | sworne, | { | Peter Pitts, |
| | | Experience Michell, | | | Gorge Russell, |
| | | Barnard Lumbert, | | | John Sutton, |
| | | Arther Harris, | | | John Rogers, abs ^t , |
| | | John Fish, | | | Stephen Payne, |
| | | Thomas Gibbs, | | | Thō Cooper. |

1659.

7 June.
PRENCE,
Gov^r.

The cunstabes of the seuerall townes are as followeth :

| | |
|-----------------------|--------------------------------------|
| Plymouth, | Wilſam Shurtley, |
| Dux: | John Washbourne, Juni ^r , |
| Scittuate, | { John Hewes, |
| | { Richard Curtis. |
| Sandwich, | ^ |
| Taunton, | John Tiſdall. |
| Yarmouth, | M ^r Edmond Hawes, |
| Barnstable, | Thomas Huckens. |
| Marſhfeild, | { Elisha Beſbey, |
| | { Christopher Winter. |
| Rehoboth, | Henery Smith. |
| Eastham, | Henery Attkins. |
| Bridgwater, | ^ |

Surveyors of the Highwaies.

| | | |
|----------------------|---|------------------|
| Plymouth, | { | Steuen Briant, |
| | | Benjamine Prate, |
| | | Samuell Rider. |
| Duxburrow, | { | Jonathan Shaw, |
| | | Wilſam Clarke. |

*Such as stand propounded to take vp their freedom : —

[*158.]

| | |
|----------------------------------|------------------|
| Wilſam Shirtley, | Nicholas Pecke, |
| Rich Tayler, | Francis Crooker, |
| Roſb Parker, | John Caruer, |
| Roſb DAVIS, | Joseph Prior, |
| John Phillips, | Aron Knap, |
| John Rogers, Juni ^r , | Henery Smith, |
| Stephen Paine, | Thō Cooper. |

Esra Perrey is allowed by the Court to bee exequitor of the estate of Sarah Perrey, there being noe other, (although shee hath many other frinds in the countrey,) that claimeth any interest into the said estate, haueing put in

1659.

7 June.
PRENCE,
Gov^r.

securitie into the Court to bee accountable for the estate encase it shalbee required by any that hath better title therto.

One hundred and fifty acres of land is graunted to Thomas Briggs, son of Clement Briggs, deceased, and twenty acres of meddow, if it may bee had in the place desired, which is in the way to Deadum from Taunton, betwixt a pond and the mill riuer which comes to Taunton, betwixt Taunton and Massapauge Pond.

Major Winslow, Leiff Southworth, M^r Josias Winslow, and Josias Cooke are appointed to take the account of the Treasurer.

The Court allow to Ensigne Wiltams six shillings for four dayes attendance att the Court, to answare the complaint of Robert Barker in the behalfe of Deborah Barker.

Wheras John Palmer was p^sented about a highway stoped by him, hee is enjoyed by the Court to laye it open.

Samuell House is enjoyed by the Court to take some speedy course with a dogg that is troublesome and dangerouse in biting folkes as they goe by the highwaies.

[*159.]

*M^r Thomas Hinckley, Henery Cobb, Samuell Hinckley, and John Jenkins, and Nathaneell Bacon are graunted libertie to view and to purchase a tract of land att Saconesett, viz^d, soe much as they can conveniently, and they are to haue each of them a considerable proportion therof, as the Court shall thinke meet, and the rest to bee desposed of by the Court.

M^r Tho^s Hinckley and Richard Bourne are to purchase the said lands of the Indians by order of Court.

This graunt is otherwise entered att the Court holden att Plymouth, March, 1659.

‡The Court haue graunted vnto Cap^t Morris a certaine necke of land, called Nunnaquaquatt Necke, or Pochasset, by him alreddy purchased of the Indians, ||as alsoe a p^{ce}ll of meddow lying vpon the east side of the said cove or pond, being the quantitie of six or eight load of hay att the vtmost,|| vpon condition that hee shall submitt himselfe vnto this go^ument, and bee redly to doe such duty as may bee required of him as an inhabitant of the same, and alsoe that hee doe not engage vs in any controuersies betwixt himselfe and the Indians, and doe further resigne vp vnto the Court all such other lands within this go^ument as hee hath made purchase of, or hath layed claime vnto, and shall haue noe interest into any other tract or p^{ce}ll of lands, saue onely the abouesaid necke and meddow.‡

In answare vnto the request of John Morton, Richard Wright, John Dunham, Jun^r, Samuell Ecdey, and Francis Billington, desireing some proportions of land to accomodate them for their posterities, the Court giueth libertie vnto them to looke out a tract of land for that purpose, and if found convenient it shalbee confermed vnto them for the ends aforesaid.

Mr Alden and Mr Bradford are appointed and deputed by the Court, to joyne with such as Mr Hatherly shall procure, to lay out the land graunted to Mr Hatherley att the Court held the 3^d of July, 1656, and to make report vnto the Court of what they haue done there, that soe it may bee recorded.

1659.

7 JUNE.
PRENCE,
GOU^R.

[*160.]

*Libertie is graunted by the Court vnto the towne of Plymouth to looke out a tract of land as conveniently as may bee found, to equallis that which lately was confeirmed to Captaine Morris, which was within a former graunt belonging to the said towne. The towne of Plymouth haue since made choise of the land adjoyning to the southeren end of Puncateesett Necke, ouer against Road Iland, to bee supplied in the rome of that which Cap^t Morris had, as abouesaid.

In answare to a petition, prefered to the Court by Wiltam Nicarson, wherin hee requested the whole tract of land by him formerly purchased of the Indians att Mannomoyett, or therabouts, hee expressing himselfe otherwise not willing to accept of a former graunt of the Court, which was to haue a competency therof, this Court ordereth, that incase the said Nicarson will answare the penaltie of the Court order prohibiting any to buy any land of the Indians without libertie of the majestrates, hee may enjoy the said whole tract of land.

Gorg^e Barlow is allowed by the Court to bee a townsman of the towne of Sandwich.

Gorge Barlow is to restore a paire of oxen that were taken from Francis Allin by fine, and is to haue a paire that were taken from Richard Kerbey, Juni^r, in their stead.

Wheras Richard French is accused by Hepthsibah Andrews to haue comitted bodily vncleanes with her, and hath stood engaged to the Court to answare for the same and appeered att this Court; and that likewise the said Hepthsibah Andrews was likewise sumoned to appeer att this Court to make out her accusation, but soe it is that shee could not appeer by reason of weaknes or sicknes; the Court, therefore, hath seen reason to take bonds of him to pay a considerable sume towards the keeping of the child, wherwith shee goeth, if it shall appeer to bee his.

The marshall Barlow hath engaged to pay the fees due to Sauory for the imprisonment of Richard French, vpon which the chist of the said French, attached by the marshall Sauory, is released.

*Concerning those of the purchasers that haue lands att Satuckett, such as lye on that side Sautuckett Riuer next Eastham, that the said lands bee accounted to bee within the precincts of Eastham respecting jurisdiction; and those that lye on that side next Yarmouth to bee accounted within that township, viz^d, that those that owne such lands shall, proportionable to such lands,

[*161.]

1659.

7 June.
PRENCE,
Gov^r.

bear the countrey charges, but not that either townes shall haue any proprieties in any of those lands.

The Court haue giuen vnto James Cole, of Plymouth, the summe of ten pounds, towards the repairing of the house hee now liueth in, soe as it may bee fitted as an ordinary for the entertainment of strangers.

Memorand : that John Fenney, Seni^r, hath resigned vp all the lands of Mr Henery Coggen, deceased, vnto Cap^t James Cudworth and Isack Robinson, as vnto the guardians of John Coggen, according as the said lands are recorded in the town booke of Barnstable.

The charge of fine daies spent about Josephth Tildens business, the Court haue expressed themselues willing to beare the same, and haue engaged to defray the said charge.

The Major Winslow, Leiftenant Southworth, and Rob^t Studson are appointed by the Court, to joyne with such as the Bay gou^rment shall appoint, to run the line betwixt the Bay gou^rment and vs.

John Willis, of Bridwater, is authorised to marry any psons, according to order of Court, in the towne of Bridwater, and to adminnester an oath to giue in euidence to the grandjury, as occasion shall require.

[*162.]

*In regard that Mr Collyare, by reason of age and much busines on him, can not attend the countreyes busines att Courts but with great difficulties, the Court haue appointed the Treasurer to procure him a seruant, and doe allow him for that purpose the summe of ten pounds.

In regard of many vrgent occasions and of great conce^rment, that Leiftenant Southworth is to bee employed in this p^rsent yeare in the countreyes behalfe, the Court doth allowe vnto him as a gratuitie the summe of twenty pounds.

The Court alloweth vnto the seuerall townships of this gou^rment towards the setting forth of the troop of horse, thirty shillings p horse, for euery horse they shall sett forth, to bee paid by the Treasurer and to bee desposed of by the deputies of the townes for the townes vse aforesaid. And wheras Sandwich was defectiue in deputies this Court, Mr Vincent and Thomas Tupper are to despose therof as if they were deputies ; and in like manner Leif^t Torrey, for the towne of Scittuat, to bee aded to Rob^t Studson.

The Court haue appointed and authorised Mr Timothy Hatherley to marry any psons, according to order of Court, in the township of Scittuate ; and alsoe to graunt warrants and supenaes for actions and to adminnester oathes either for giueing of euidence to the grand jury, or otherwise if need require, for this p^rsent yeare.

The Court doth allow and order one barrell of powder, now in the custody of the major, to bee spent att the next generall muster, and the same to

bee made vp againe by the Treasurer to the countreys stocke of powder, and to bee deliuered to the major.

*Wheras the Indians, viz^o, Wamsitta and others, haue lately bine att the Court, and complaine still of great damage by the horses of the inhabitants of Rehoboth, the Court ordereth, that the townsmen of Rehoboth take some speedy course that theire horses doe not in-damage the Indians, and in speciall such as had horses goeing on Causumsett Necke; and that when Captaine Willétt is att home the Indians which for the futuer shalbee soe treaspased are to repaire to him, and hee is authorised heerby to take such order therein as shalbee by him thought meet.

In answare to a request made to the Court by Thomas Burgis, Seni^r, for a pcell of land att Mannomett, the Court haue ordered that Richard Bourne and M^r Edmond Freeman to take a view of the said land, and to make report therof vnto the Court, that soe a competencye may bee confiermed to the said Thomas Burgis, if the Court shall see reason.

Sandwich is abated twenty shillings in theire rates for publicke charges.

M^r Wilłam Parker is complained of to the Court for taking fiue shillings a quart for stronge waters.

Wheras by an order of Court all freemen of this corporation, as Quakers or such as are manifest encorragers of such and soe judged by the Court, or such as shall contemptuously speake of the lawes therof, or such as are judged by the Court grosly scandalouse, as lyers, drunkards, swearers, &c, they shall loose theire freedom of this corporation.

The Court takeing notice of Wilłam Newland, of Sandwich, Henery Howland, of Duxburrow, John Barnes, of Plymouth, and Richard Beare, of Marshfield, to bee such in the said order saith shalbee disfranchised, the Court haue ordered theire appeerance att the Court of Assistants, to bee holden in August next ensueing, to bee then and there convict and censured according to the said order.

*An Answare to a Petition prefered to the Court by diuers of the Towne of Scittuate. [*164.]

Your petition p^sented to the Court they haue seriously weiğed, and being affectionatedly desireouse to gratify your desires to your full satisfaction soe far as they may, yett considering the dissatisfaction of the countrey yett remaining concerning your former capt^y, as appeers by theire dismissing of him from that place of trust to which hee was by your towne chosen, and in reason would bee ill resented by them, if att such a time as this wee should confierme him in such a place of trust as you desire; and therefore hope you

1659.

7 June.
PRENCE,
GOV^r.

[*163.]

[*164.]

1659.

7 June.
PRENCE,
Gov^r.

will not account it any disrespect vnto your selues that hee is not conformed in statu quo privs according to your request.

By order of the Court.

P me, NATHANEELL MORTON, Clarke.

Forasmuch as wee haue good enformation that thinges are in such a posture att Kennebecke in reference to some troubles amongst the Indians, some of them being slayne, some carryed away, and therby alsoe discourraged; that there is a p̄sent desisting from their hunting, and soe a sessacion of the trad, wherby such as haue rented the trad of the countrey are soe farr discourraged that they see, and it probably appeereth, that they will not onely bee disabled for paying the expected rent, but wilbee likely to suffer great losses, and doe alsoe feare they may bee forced wholly to desist and to call home their estate there, wherby the trad may bee indangered to bee lost for the future if some course bee not taken about it, — the Court doth therefore recomēd it to the seuerall townships considerations, and desire they would depute some man whom they can betrust to signify their minds att the sitting of the Generall Court in October next, and impower them to acte in the p̄mises.

Graunted by the Court, that Willam Tubbs, of Duxburrow, shall haue a certaine p̄cell of land att Namassackeesett, lying betwixt the lands of Gor̄ Russell, deceased, and the brooke, containing about twenty acres or therabouts, being aboute the path to the Massachusetts.

[*165.]

*Att this Court Edward Perrey, John Newland, Willam Allin, Robert Harper, Ralph Allin, Seni^r, Joseph Allin, Thomas Vre, Mathew Allin, Richard Kerbey, Juni^r, and John Jenkins appeered, being summoned to answare for their refusing to take the oath of fidelitie, and remaining obstinate, were fined according to order.

Daniell Muckenney, for being drunke, fined five shillings. Jeremiah Newland, for being drunke, fined five shillings; and for breaking the peace, or giuing prouaking speeches or carriages, admonished.

Joseph Burgis, for taking away a beast attached for the countrey, hee fined the summe of twenty shillings.

Henery Dillingham, for refusing to serue in the office of a cunstable, being chosen by the towne of Sandwich, fined fifty shillings.

Experience Michell, for refusing to serue on the grand enquest, being chosen for the towne of Duxburrow, fined ten shillings.

‡Memorand: to send to th^e seuerall townes to send in their busines about Kenebecke to the next October Court.‡

The Court haue ordered that Goodwife Thomas, the Welch woman, shall

Experience Michell appeered att the October Court following, and serued.

not bee assisted by any in setting vp any house or cottage any where except it bee on her owne ground.

1659.

7 June.
PRENCE,
Gov^r.

**Att a Court of Assistants holden att Plymouth the 2^{cond} of August, 1659.*

2 August.
[*166.]

BEFORE John Alden,
Josias Winslow,

Thomas Southworth, and
Wiltam Bradford,
Assistants, &c.

WHERAS there is a controuersy depending betwixt Thomas Pope and Wiltam Shirtlife, conserning the bounds of the lands of the said p̄tyes lying att Strawbery Hill, or the Reed Pond, in the township of Plymouth, the Court haueing heard what can bee said on both sides, and finding an issue can not bee put to it att this p̄sent Court, doe order and request M^r John Howland, Francis Cooke, and John Dunham, Seni^r, to take a convenient time as soon as may bee to repaire to the said lands, and alsoe such of the ancient inhabitants as giue any testimony or light towards the clearing of the case, and that they, the said John Howland, Francis Cooke, and John Dunham, shall measure the said lands and sett the bounds therof vnto the said p̄ties according to the true and ancient bounds, as neare as may bee, and soe a finall end to bee put therby vnto the said controuersy; and whatsoever charges hath or shall arise about the same to bee bourne by the said p̄ties in equall proportions.

Wheras a certaine paire of wheeles were attached (vpon a mistake) by the marshall Barlow att Sandwich in the behalfe of the countrey, the Court haueing receiued certaine enformation that the said wheeles did belong to Samuell Hickes, and were really his before they were attached, haue relinquished them, and haue ordered the said Samuell Hickes to require them and improue them as his owne, as hee shall see cause.

Conserning a certaine difference betwixt Gorḡ Bonum and John Smith, Seni^r, of Plymouth, about some approbrious speeches the said Smith should speake of and conserning the said Bonum, the Court finding them to bee of friuilous nature, ordered them to chose some of their naighboures to haue the hearing of the said controuersy and to put an end thervnto.

Leiftenant Southworth aproued by the Court to bee captaine of the milletary companie of Plymouth.

M^r Wiltam Hedge aproued by the Court to be captaine of the milletary companie of Yarmouth.

1659. **Att the Generall Court holden att Plymouth the third of October,*
1659.

3 October.
[PRENCE,
GOVERNOR.]
[*167.]

| | |
|----------------------------|----------------------|
| BEFORE Thomas Prence, Goũ, | Thomas Southworth, |
| Willam Collyare, | Willam Bradford, and |
| John Alden, | Thomas Hinckley, |
| Josias Winslow, | |
| Assistants, &c. | |

WHERAS by a former order of Court the seuerall townes in this jurisdiction were required to send in for each towne a man vnto this Court, and to invest them with full power in their behalfe, to treat and conclude about leting of the trađ att Kennebecke, — accordingly they did send those whose names are vnderwritten.

| | |
|---------------------------|----------------------------------|
| For Plymouth, | M ^r John Howland. |
| For Duxburrow, | Constant Southworth. |
| For Scittuate, | Robert Studson. |
| For Sandwich, | Thomas Tupper. |
| For Taunton, | James Walker. |
| For Yarmouth, | M ^r Edmond Hawes. |
| For Barnstable, | M ^r Thomas Hinckley. |
| For Marshfeild, | Leiftenant White. |
| Rehoboth, | Sent in their minds by writinge. |
| For Eastham, | Richard Sparrow. |

Wheras by order of Court bearing date the seauenth of June, 1659, it was recomēded to the seuerall townshipes to send their deputies impowered to acte in the ordering and settleing of the trađ att Kennebecke, which was much interrupted by reason of some troubles amongst the Indians, to the great discourragment of the p̄sent farmers therof; —

6 October.

In p̄suance of which said order the deputies sent from the seuerall townshipes, vpon their serious consideration of the matter betrusted with them, haue, this sixt of October, 1659, couenanted and agreed together with the farmers of the said trađ, viz^t, M^r Thomas Prence, Mistris Allice Bradford, Seni^r, Captaine Thomas Willett, and Major Josias Winslow, in manor and forme as followeth, viz^t:

That the rent of the said trađ for the yeare one thousand six hundred fifty and nine, fully compleat on the first of Nouember next ensuing, bee

wholly remitted by the country to the aforesaid farmers, and that *ten pounds in money bee payed vnto the country by the aforesaid farmers for the yeare next ensuing, during which time the farmers engage to carry on the trad as formerly, and att the end of the said tearme, viz^s, on the first of Nouember, one thousand six hundred and sixty, the said farmers to leaue the said Kennebeck trade free, without any engagement vnto the countreyes dispose, as they shall thinke meet, not leaucing aboue fwe hundred skines in any debts to bee required of the Indians; the which incase they to whom the country shall dispose the said trad will not giue to the aforesaid farmers six shillings a skine for the said debts, then it shalbee lawfull for them, by their agent or agents, to demaund and procure the said debts in such a way as is the vsuall course of obtaining such debts, without any violent seizure on them, the aforesaid farmers alsoe engaging not to haue any trade with the Indians there any longer then to the end of the tearme aforesaid, viz^s, vntill the first of Nouember, 1660. In witnes wherof they haue heervnto sett their hands enterchangably the day and date abouesaid.

THOMAS PRENCE,

The marke of M^{istris} *M*ALLICE BRADFORD,

JOSIAS WINSLOW, { in the behalfe
of the rest,

CONSTANT SOUTHWORTH,

The marke *M* of ROBERT STUDSON,

JAMES WALKER,
EDMOND HAWES,
THOMAS HINCKLEY,
RICHARD SPARROW,
PEREGRINE WHITE.

In the case betwixt Thomas Clarke and Samuell Jenney, about the daughter of Samuell Jenney, named Sarah Jenney, vpon diuers considerations the Court haue agreed and doe order, that Samuell Jenney shall haue his said daughter deliuered vnto him, although notwithstanding the Court doe heerby declare themselues that they expect that the said Thomas Clarke to haue respect to the said child, and a care of her and her portion as an ouerseer, according to the will of M^{is} Jenney.

*Att this Court Ensigne John Williams appeered to answare the complaint of Robert Barker and Deborah Barker, the daughter of John Barker, deceased, for that hee, the said Ensigne Williams, was accused to haue misvsed the said Deborah Barker, she haueing liued with him; hee producing many

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[PRENCE,
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[*169.]

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evidences to cleare his innosensy in the premises, the Court could not find the acusation to bee true; notwithstanding, vpon some considerations, ordered, that the said Deborah Barker should not bee returned againe vnto her said vnkell, Ensigne Williams, but should chuse her guardian, and either liue with him or bee disposed of to some other honest man to seruiue as hee should thinke meet; att which time the said Deborah Barker [^] make choise of Thomas Bird, of Scittuate, whoe was then present in the Court, to bee her guardian, which was approued by the Court; and with him shee returned home, to bee with him vntill shee should bee otherwise by him *bee* disposed of.

An order directed to Robert Dennis.

These are to signify vnto you, Robert Dennis, that the Court requireth you, according to the last will and testament of Wiltam Chase deceased, that you make deuision of his estate according to the tenure therof, viz^d: to Benjamine Chase, son of the said Wiltam Chase, two ptes of three therof, and the other remaining third pte to Wiltam Chase, Junier, the eldest sonne of the said Wiltam Chase, deceased.

The Courts order, p me, NATHANEELL MORTON, Clarke.

October, 1659. M^r Thomas Hinckley is appointed and deputed by the Court to adminnester an oath to the witnesses of the will and inventory of the late deceased Wiltam Chase.

October, 1659. Wee, whose names are vnderwritten, haueing made serch and enquiry, according to our best light and vnderstanding, into the cause of the death of Mary Chase, viz^d, of our towne of Yarmouth, doe with joynt consent present, the day and yeare abouesaid, that wee can find noe other but that shee died a naturall death through inward sicknes, as is euident to all men naturally.

| | |
|------------------|-----------------|
| ANTHONY THACHER, | JOHN MILLER, |
| ROB: DENNIS, | ANDREW HALLOTT, |
| JOHN JOYCE, | RICHARD TAYLER, |
| JOHN HALL, | JOHN CROW, |
| SAMUELL RYDER, | WILLAM HEDGE, |
| RICHARD HORE, | EDWARD STURGIS. |

[*170.]

*In answare to a petition prefered to the Court by the townsmen of Taunton, requesting that some persons may bee deputed by the Court to rectify the bounds of their towne, the Court doth request and appoint Capt James Cudworth, M^r Josias Winslow, Seni^r, and M^r Constant Southworth to doe the

same accordingly as is expressed in the said petition, provided they doe noe way intrench vpon any lands already graunted to any English reserved for the Indians.

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Concerning the complaint of Thomas Lettice against Thomas Pope, for abusive carriages att the mill att Plymouth towards the said Lettice, the said Thomas Pope is fined by the Court the sume of ten shillings to the vse of the collonie.

M^r Edmond Freeman, Juni^r, for refusing to assist Gorge Barlow, the marshall of Sandwich, in the execution of his office, is fined ten shillings to the countreyes vse.

Thomas Burgis, Juni^r, for the same default, fined ten shillings to the vse of the collony.

Edward Perrey, for vseing threating speeches to the aboues^d marshall, is fined to the vse of the collony twenty shillings.

Edward Perry, for killing a steer belonging to the countrey,

Stephen Winge being complained of by the marshall, Barlow, for refusing to assist him in the countreyes seruice, being required att three seuerall times, the said Stephen Winge is fined to the vse of the countrey the summe of twenty shillings.

Thomas Lucas, for being drunke, fined ten shillings to the collonies vse.

*Wilłam Gifford, being complained by Marshall Barlow, for affronting him in the hieway neare a bridge, ouer which hee should haue driuen some cattle of the countreyes, yett forasmuch as Wilłam Gifford affeirmeth that hee was not directly in his way, but in an old path leading to his house, the Court suspends theire judgment for the p^sent, vntill the place bee viewed, and soe the matter bee made more eident.

[*171.]

Forasmuch as this Court findeth that our people of Sandwich, called Quakers, haue had by them many papers and writings that are both false, scandalous, and pⁿisious to the goũment : —

An order to
Barlow.

These are therefore, in the name of the state of England, to require Gorge Barlow, marshall of Sandwich, to take with him a man or two, and to reparaire to the house of Wilłam Newland and Ralph Allin, of Sandwich, and Nicolas DAVIS, of Barnstable, to make serch in any p^te of their houses, or in any the chists or trunkes of the aboues^d, or elsewhere, for any such papers or writings, and to returne such as they shall soe find, either to the Court, or gou^r, or some of the Assistants.

To M^r Hawes, the cunstable of Yarmouth.

These are to signify vnto you, that the Court requires you to deliuer vnto

An order to the
cunstable of
Yarmouth.

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Gov^r.

Robert Dennis, att his demaund, a firkin of butter by you attached, in the custitie of Richard Tayler, att the suite of the said Robert Dennis, which was somtimes belonging to Wiltam Norkett; the said Robert Dennis heerby standing engaged to the Court to cleare the case about the said butter if it comes in question for the future.

[*172.]

*M^r Alden, Captaine Southworth, Constant Southworth, and Gorge Watson are appointed by the Court to view the lands of Nathancell Warren, &c, and to range the said lands, and to put a finall issue to the difference betwixt him and his naighbours respecting the bounds of there said lands in controversy.

Thomas Butler, for refusing to serue in the office of a cunstable, fined according to order fifty shillings.

Conserving the complaint of Goodwife Thomas, the Welch woman, the Court haue ordered, that shee repaire to M^r Collyare and M^r Alden, to Duxburrow, att such time as they shall send for her, and they are to heare and determine what is meet in the case.

Conserving a certaine woman, viz^d, the wife of John Spring, of Watertowne, which was somtimes the wife of Thomas Hatch, of Scittuate, which said woman hath liued about three or foure yeares att Scittuate from her husband, the Court haue ordered, that shee either repaire to her husband with all convenient speed, or to repaire to Duxburrow to the house of M^r Alden, on the twentyeth of this p^rsent month of October, to giue a reason why shee doth not; and in case shee shall refuse to attend this order, the Court will take a speedy course to send her to her said husband.

In answare to the proposition, directed to the seuerall townships, to send in there minds whether to summon in all the freemen to the next June Court or not,—

The number of voates for are sixty and three.

The number of voates against are an hundred and eleuen.

[*173.]

*Captaine Wiltam Bradford, Leiftenant John Freeman, and Cornett Robert Studson are conformed by the Court to bee comission officers of the troop of horse.

Att this Court open proclamation was made, that if any shall come in betwixt this date and the Generall Court, to bee holden att Plymouth, the first Tusday in March next, and can claime any just debt from the estate of Robert Waterman, satisfactien shalbee made proportionable to the said estate, or otherwise a quietus est will then bee graunted to Elizabeth, somtimes the wife of the said Robert Waterman; and since that time vntill the seauenth of June, 1660,

none came in, and then a quietus est was graunted vnto Elizabeth, sometimes the wife of the abouesaid Robert Waterman.

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Gou^r.

An agreement made this 11th of March, in (57) and (58,) between the towne of Barnstable and the towne of Yarmouth, by foure men chosen joyntly by both the townes, viz^s, M^r Thomas Prence, Richard Chadwell, Richard Higgens, and Richard Bourne, that the bounds extending into the sea one mile shalbegine from the middle of the mouth of Stoney Coue Creeke, and soe from the middle therof to run due north into the sea. Moreouer, it is further agreed by both the townes, that incase the line extending into the land run more to the westward then is expressed in the copy of the graunt, viz^s, south south west, that then the foure men aboue specified shall haue power to rectify the line att sea accordingly as they shall see meet, or else this agreement to stand feirme for their ppetuall bounds.

THOMAS PRENCE,
RICHARD CHADWELL,
RICHARD HIGGENS,
RICHARD BOURNE.

*Thomas Ewer, for his tumultuous and seditious carriages and speeces in the Court, was sentanced by the Court to lye necke and heeles during the pleasure of the Court; but whiles the Court was yett in being they were enformed by credible testimony that the said Ewer was an infeirme man, and was troubled with a rupture, hee himselfe alsoe saying that hee is broken; and therefore the Court suspended the sentence soe as not to execute it, but declared vnto him openly that if hee would not carry better in the Court for the future, and rule his tongue, they will take a course to rid him out of the collonie.

[*174.]

On the complaint of an Indian, named Wampeas, against Richard Chadwell, that hee had beaten and wrongfully abused him, the Court directed an order to the said Richard Chadwell, to bee in a reddines against the gou^r or M^r Hinckley goeth home, that soe they or either of them may heare the case, and order the same as they shall see reason vpon examination of p^ticulars.

On the complaint of Nathancell Morton, the clarke of the Court, against Humphrey Johnson, the cunstable of Scittuate, 1658, for vnrighteously detaining a p^te of his wages the same yeare, the said Johnson not appeering by reason of the late death of his father, the Court ordered, that hee should bee summoned to appeer att the next Court, to answare the said complaint.

Memorand: about the case of Wiltam Newland, conserning dealing in

1659. an vnder hand way with the Indians about paying for land, that further eu-
dence bee procured before that matter bee issued.

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PRENCE,
Gov^r.

Memorand : that the marshall, Barlow, attached an horse of Wiltam Newlands, before hee gaue notice therof to the owner.

Memorand : that enquiry bee made concerning the defect of Joanes Riuer bridge.

Att this Court, Wiltam Ledra and Peter Peirson, two of those caled Quakers, whoe haue bine prisoners att Plymouth for some time, were sent for seuerally out of prison, and p̄sented before the Court, whoe were demaunded if they would engage, according to the law, to depart, and to come into this collonie noe more, and pay their fees to the jayler ; if soe they might forthwith depart, which they both refused to doe ; asperting the law, in agitation about which the said Peter Peirson openly denyed the humanitie of Christ ; and they, seuerally refusing to answare the law, were returned to the place whence they came.

[*175.] *Att this Court Edward Perrey, John Newland, Ralph Allin, Wiltam Allin, Mathew Allin, Gorge Allin, Joseph Allin, Daniell Winge, Thō Ewer, Richard Kerbey, Junir, Rob̄ Harper, appeered, being summoned, and were demaunded whether thē would take the oath of fidelitie to the state of England and to this goument, which they refusing to doe were fined, according to the law, each of them fiue pounds, to the vse of the collonie. John Jenkens, of Sandwich, sent word that hee was of the same mind with the aforsaid p̄ties, and alsoe was fined fiue pounds.

Memorandum: to warne James Lenard, Phillip Lenard, Jeremiah Newland, and John Turner, all of Taunton, p̄sonally to appeer att the Court to bee holden the first Tursday in March next, to answare for sundry misdemeanors by them practised att Taunton.

Att this Court, Richard French appeered to answare to such p̄ticulares as should bee objected against him ^ Hephthibath Andrew, for com̄itting bodily vncleancs with her ; but shce not appeering, hee was for the p̄sent cleared, and his bond deliucred, and hee was left to his libertie to procecute against the said Hephthibath Andwes, if hee pleased.

Att this Court, John Barnes, Wiltam Newland, and *and* Henery Howland appeered, being sūmoned, and were convicted by law, and sentenced by the Court to bee disfranchised of theire freedome of this corporation ; the said John Barnes, for his frequent and abominable drunkenes, and Wiltam Newland and Henery Howland for theire being abettors and entertainers of Quakers, contrary to the aforsaid order ; likewise Richard Beare, of Marshfeild, for

being a grossly scandalouse pson, debaughed, haueing bine formerly convicted of filthy, obscene practises, and for the same by the Court sentanced; as alsoe faling vnder the breach of the aforsaid law, was summoned by the Court psonally to appeer to receiue the said sentence of being disfranchised as aforsaid, but hee appeered not. Notwithstanding his facts and course of life being pspecuouse and mannifest, hee was likewise sentanced to bee disfranchised of his freedome of this corporation.

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**Att a Court of Assistants holden att Plymouth the sixt of December,* 6 December.
1659. [*176.]

BEFORE Wiltam Collyare, Thomas Southworth, and
John Alden, Wiltam Bradford,
Josias Winslow,
Assistants, &c.

AT this Court, Joseph Prior, being summoned, appeered to answare for pilfering and p'loyning practises, and other vnworthy carriages relating thervnto, viz^t, in alluring a younge maide, a kinswoman to M^r Wiltam Collyares, to healp him, the said Prior, to sundry thinges ptaining to the said M^r Collyare, without knowlidg of or leaue from M^r Collyare or M^{is} Jane Collyare, his wife; but forasmuch as evidence was not extant in Court to cleare vp the said accusation, the said Prior denying sundry p'ticulares that was layed to his charge, the Court bound him ouer to appeer att the Court to bee holden att Plymouth the first Tusdy in March next, to answare to the said accusation.

M^r Wiltam Collyare oweth the state of England the sume of . 20^{li}.

The condition, that if the said Wiltam Collyare shall either appeer in pson or any for him att the Court to bee holden att Plymouth the first Tusday in March next, to prosecute against Joseph Prior about his purlaying and pilfering from the said Wiltam Collyare, and other pnisious practises relateing to that matter; that then, &c.

John Barnes oweth the state of England the sume of . . . 10^{li}.

Joseph Prior the sume of 20.

The condition, that if the said Joseph Prior shall appeer att the Court to bee holden att Plymouth the first Tusday in March next, to answare to all such p'ticulares as shalbee objected against him, in speciall for his pilfering

1659. and stealing from Mr William Collyare, with other pnisious practices relateing to that matter layed to his charge; that then, &c.

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Gov^r.

The Court haue allowed vnto John Washbourn, Junir, cunstable of Duxburrow, for seruing an arest on Joseph Prior, twelue pence, and for coming to Plymouth and a dayes attendance on that busines 1^s 6^d, to bee payed by the said Prior to the said cunstable.

[*177.]

*Wheras Thomas Greenfeild, coming lately out of England, and arriveing att Road Iland, came into these ptes about the fourteenth day of Nouember, and brought Mary Dier with him to Plymouth, contrary to an order of Court which prohibeteth any of those called Quakers to come into this jurisdiction, shée, the said Mary Dier, being one of those soe called; and hee, the said Greenfeild, being examined and required to answare directly whether hee had any residence, viz^s, house or land, att Sandwich, within this goũment or noe, hee, refusing to make any answare to that demaund, was therfore (after being vrged to speak and giue answare to the said query) comitted to prison according to order, as falling vnder the account of a foraigne Quaker, and att this Court was brought before authoritie and againe examined vpon the p̄mises, and refused to make any satisfactory answare; notwithstanding wheras Mr Edmond Freeman, Seni^r, of Sandwich, appeering in Court and affeirming that the said Greenfeild hath house and land in the liberties of Sandwich, with other concurrent testimony to the same effect, the Court saw reason to release the said Thomas Greenfeild, and accordingly hee was released, paying his fees, which hee refused to doe; wherfore the Court was constrained to take other course to satisfy the same out of the estate of the said Greenfeild, by warrant directed to the marshall, Barlow, for the same purpose, which said charge of imprisonment amounted to the sume of thirty shillings.

And the said Greenfeild, for his bringing in or being a conduct to the said Mary Dier from Road Iland to Plymouth, was sentenced to pay for her transportation backe to Road Iland the sume of sixteen shillings, and for the fees of Mary Diers imprisonment the sume of eleuen shillings; which said sumes the marshall, Barlow, was by warrant required to leuy on the estate of the said Thomas Greenfeild, whersoever hee should find it within his liberties.

Att this Court, William Ledra and Peter Peirson, two of those called Quakers, whoe were some time since comitted to prison att Plymouth according to the law, as being foraigne Quakers, apcered and were demaunded seuerally whether they would depart the goũment in some competent time, viz^s, two or three dayes, incase weather and strength were suitable, and that noe vnexpected providence in the afsaid respects did not or should not fall in the way in the interim, and whether it was there p̄sent intensions, without

any sinestery reseruation, directly *to depart the goũment, with intension (the Lord willing) not to returne into the goũment any more ; they answered they could not engage to any certaine time to depart the goũment ; vpon which thaire answare they were againe returned to prison, and order was giuen to M^r Southworth and M^r Bradford, that if vpon beter consideration they should or would accept of the conditions of the afsaied tender of the Court, they are to release them.

Att this Court, James Cole, Seni^r, and Edward Gray appeered, to lay claime to a ꝑcell of iron wedges that were brought from Taunton, which an Indian had stolen and sould att Taunton ; but the Court, haueing not cleare light to determine whose the wedges are, caused them to bee ceured vntill the Indian that is supposed to haue stollen them can bee apprehended and examined, and therefore tooke a course that the Indian should bee apprehended.

Att this Court an execution was issued forth to arest the goods or chattles of Edward Perrey ymediately, to satisfy vnto Henery Saunders the sũme of fíue pounds and ten shillings and charges, wherof the said Perrey is convict in course of law.

Att this Court, John Dunham, Seni^r, and Henery Wood, in the behalfe of themselues and others, complained of injustice in the proceedings of the rators for publicke charges for the towne of Plymouth ; but because none of the said rators appeered to answare for themselues, the Court apointed M^r Southworth and M^r Willam Bradford to treat with them about the ꝑmises, and to issue the said difference, and put an end, if it may bee, to the said greiuance.

Att this Court Henery Wood tooke the oath of a grandjuryman.

*A Writing appointed to bee recorded.

Wheras John Sutton complained of Abraham Sutlife, and Sarah, his wife, in an action of defamaçõn, for that the said Sarah Sutlife hath reported that the said John Sutton was basely begotten and basely borne, I, the said Sarah Sutlife acknowledge I soe said ; but it was vnaduisedly spoken by mee, I haueing noe ground nor cause soe to speake, neither know any such thinge by him, and ame very sorry I wronged the said John Sutton in soe saying, and doe promise to make this acknowledgmet att Scittuate meeting house, that is near Stony Brooke, the first Lords day in this ꝑsent October, as soone as fore noon exercise is done ; this writing being rēd, the said Sarah is to owne it to bee her acknowledgmet, or Abraham Sutlife is to owne it in behalfe of his wife, as her acknowledgmet ; and it is lawfull for the said John Sutton to record

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these p̄sents att Plymouth Court, or elsewhere, as hee shall see cause; and incase this bee not p̄formed as abouesaid, John Suttons action may proceed; but if it bee don, the action is att an end. Dated the 2^{cond} of October, 1659.

The marke of SARAH  SUTLIFE.

Witnessed by vs,

James Cudworth,
Thomas Robinson.

This writing being rēd the day within written, was owned by Sarah Sutlife.

Witnessed by vs,

JOHN TURNER,
JOSEPH TURNER.

1659-60.

7 March.

[*180.]

**Att the Generall Court held att Plymouth the seauenth of March, 1659.*

| | |
|--|----------------------|
| BEFORE Thomas Prence, Gou ^r , | Josias Winslow, |
| Wilham Collyare, | Thomas Southworth, |
| John Alden, | Wilham Bradford, and |
| Thomas Willett, | Thomas Hinckley, |
| Assistants, &c. | |

WHERAS complaint is made against _____, seruant to Leif-tenant Peter Hunt, of Rehoboth, that hee, the said _____, hath attempted the chastity of an Indian woman, by offering violence to her, and that the complaint hath bine heard before Captaine Willett, and that there is great appearence of truth in the said charge; the Court haue ordered that the said Capt̄ Willett shall further examine the said youth, named _____, and incase hee shall find the accusation to bee true, that hee cause due correction to bee giuen him, and determine alsoe otherwise about the said fact as hee shall judge meet.

Wheras Joseph Prior was bound ouer vnto this Court, to answare for pilfering and p̄loyning practices from M^r Wilham Collyare, with other vnworthy carriages relateing therunto, the said Prior appeering, and shewing and expressing great humiliation for the same, the Court haue att p̄sent desisted from further proceeding against him.

Wheras Wilham Bassett, of Sandwich, hath devoulged diuers reports concerning the marshall, Barlow, and that therby the said marshall is wronged,

the said reports being found vntreue, the Court haue amerced the said Wiltam Bassett to pay vnto the said marshall the sume of ten shillings for charges of attendance att the Court, in answaring and clearing the said reports; leauing the said Barlow, incase Wiltam Bassett will not pay the said sume of ten shillings, to prosecute further against the said Bassett if hee please.

1659-60.

7 March.
[PRENCE,
Goc^r.

*The Court giues libertie vnto Gyles Rickard, Seni^r, of Plymouth, to keep an ordinary for entertainment of strangers, alwaies prouided that hee suffer none of the towne of Plymouth to buy either wine or stronge liquors of him of any kind, but such as they will make vse of att their owne homes, as the said Rickard will answare it att his pill.

[*181.]

Att this Court, John Newland, Ralph Allin, Wiltam Allin, Gorge Allin, Daniell Winge, Robert Harper, and John Jenkins appeered, being sumoned, and were required to make answare whether they would take the oath of fidelitie to the state of England and this p^rsent goũment, and they seuerally refused; Edward Perrey and Mathew Allin absented themselues; Joseph Allin, Thomas Ewer, and Richard Kerbey appeered, but they said they were not summoned.

Thomas Lucas, for his abusive and threatening speeches and turbulent carriages towards the wife of James Cole, Seni^r, and the child of James Cole, Juni^r, is fined by the Court the sume of thirty shillings.

Thomas Sauory, for being drunke, fined fīue shillings.

The Court doe alow vnto Gorge Barlow the sume of six ponds, in answare vnto his bill; and for the future for euery Court hee shall appeer and attend on the Courts busines hee is alowed the sume of ten shillings.

*The Court haue graunted vnto Cap^t Richard Moris, to him and to his heires and assignes foreuer, a certaine neck of land called Nunnaquaquat Necke, or Pochasett, by him alreddy purchased of the Indians; as alsoe a p^rcell of meddow lying vpon the east side of the coue or pond, being about the quantitie of soe much as wheron groweth six or eight load of hay att the vtmost, vpon condition that hee shall submit himselfe vnto this goũment, and bee reddy to doe such dewty as shalbee required of him as an inhabitant of the same; and alsoe that neither hee, nor his heires, nor assignes, shall not engage vs in any controuersyes betwixt him or them and the Indians, and doe further resigne vp vnto the countrey all such other lands, within this goũment, as hee hath made purchase of and layed claime vnto, and shall haue noe interest into any other tract or p^rcell of lands, saue onely the said necke and meddow, the which with all and singulare the appurtenances belonging ther-vnto, the Court doth by these p^rsents confeirme vnto the said Cap^t Richard Moris, to him and his heires and assignes foreuer.

[*182.]

Att this Court,
Cap^t Moris
tooke the oath
of fidelitie to
the state of
England and
this goũment.

1659-60.

7 March.
PRENCE,
Gov^r.

In answare to the request of M^r John Blake, of Boston, in the behalfe of himselfe and sister, Mistris Hannah Johnson, that according to a former graunt of the Court vnto M^r Nathaneel Souther, their father, deceased, that hee, the said Blake, might haue libertie to looke out a pcell of land to accomodate them, according to the aforesaid graunt, the Court gaue him libertie to seeke out, and incase hee can find any land yett vndesposed of within our jurisdiction that may bee suitable vnto him, and answarable to his expectation, hee is to signify it to the Court, and shall haue a competencye therof confermed vnto them.

Concerning a pcell of oyle attached by the marshall, Barlow, for the cuntry, which said oyle John Ellice, of Sandwich, layed claime vnto, and about which there hath bine some controuersy, the Court doth remitt the said oyle vnto the said Ellice.

[*183.]

*A Writing, appointed to bee recorded.

Att this Court, Phillip Pointing did acknowledge in the Court that hee had wronged and abused his said m^r, Henery Hobson, in the particulars expressed in this writing.

That wheras the Court was pleased to appoint Robert Studson and Josias Winslow, Seni^r, to haue the hearing of the difference betwixt Henery Hobson, of Road Iland, and Phillip Pointing, to heare both p^ties, and to examine their testimonies, and as they find the case to returne their award : Now, soe it is, that after a great time spent in debateing the case between them, wee find that Phillip Pointing was an hiered seruant to the said Henery Hobson for a whole yeare, and for his service was to bee payed ten pounds in English goods, as it cost in Boston ; and we find that the said Pointing remained with his master the space of twelue weekes, and in the said time was vnfaiithfull, and wronged his master in seuerall p^ticulars ; hee, being sent for a caske of liquor, drew out and desposed amongst his consorts two quarts and vpwards, and put water in the caske ; soe likewise in hiding of his masters wedges, and said hee could not find them, and after told Wood that his master said hee stole them, which prouoked the said Wood violently to fall out with his master, and to strike him to the danger of his life ; alsoe in defaming of him, in raiseing falce reports which appeers by testimony vpon oath, which the said Phillip odaciously denyed, but att length being convicted, manifested himselfe sorrowfull that hee had soe much wronged his m^r, in saying hee was a theife and had stollen hogges and a steer, and therein had belyed his master, for which hee was very sorry and willing to acknowledge this in publicke Court ; all which was soe cleare to vs and to Timothy Hallowey, that had moued in his behalfe, that the said Timothy was ashamed that hee had meddled with his case ; soe that wee find that the said Henery Hobson, in his name and estate, is much damnified, the which wee conceiue the said Pointing is not able fully

to satisfy ; yet vpon consideration of the great trouble and charge, which the said Hobson hath bine forced vnto to cleare himselfe, wee thinke meet to allow him foure pounds and five shillinges, which sume wee find hee hath in his hand of Philip Pointinges, and for what the said Henery hath payed to the said Phillip shall goe for full satisfaction for the service ; and this wee declare to bee our agreement and our award.

Plymouth, March the 8th, 1659.

ROBERT STUDSON,
JOSIAS WINSLOW.

1659-60.

7 March.
PRENCE,
GOU^r.

*The Court takeing notice of sundry scandals and falchoods in a letter of Isacke Robinsons, tending greatly to the prejudice of this goſment, and incurragement of those commonly called Quakers, and therby lyable (according to the law prouided in such case) to disfranchisement, yett wee att p̄sent forbear the sensure vntill further enquiry bee made into thinges.

[*184.]

In reference to Cap^t James Cudworth, the Court takeing notice of his great disaffection to this goſment and manifest abetting and incurragement of those called Quakers, expressed partly in a letter, owned by himselfe in the manor of sending it, and in many other carriages of his knowne to vs, and alsoe in a letter strongly conjectured and suspected to bee by him sent into England, the which himselfe hath not yett denyed;—

The p̄mises considered, the Court see cause to bind him ouer to make a further answare heervnto att the next Generall Court, to bee holden in June next ; and doe therefore require that hee put in good security to the value of five hundred pounds for the end abouesaid.

*Wheras, the last June Court, Captaine Willett requested the Court to graunt vnto him, in lue of his right on the north side of Secuncke bounds, towards Patuckett Riuer, five hundred acres of land for comonage, and that then the towne of Secuncke obstructed the graunt, apprehending it would bee prejudiciall to them, the said towne since haue declared themselues to bee willing that the said Cap^t Willett should haue his desire in the p̄mises ; hee further solissiteth the Court that hee may haue the same conſeirmed vnto him.

[*185.]

For the satisfaction of Thurston Clarke, conserning his land att the Iland Creeke, the Court doth order that hee shall haue aboute the highway his full bredth of thirty acres, and what hee falls short of his proportion below the highway, hee is to haue it alonge the length of his land aboute the highway.

Att this Court, John Jenkins, of Sandwich, affirmed in the Court that Gor^g Barlow seized seauen cowes, to satisfy for the sume of twenty pounds fine, or therabouts, and some ode shillinges, and that after they were seized

1659-60. one of the said cattle died, and hee tooke another liueing beast in the rome of that which died.

7 March.
PRENCE,
Gov^r.

Memorand : to send to each towne in this jurisdiction to depute some one for each of them to treat att the next June Court about the trad att Kennebecke.

Memorand : that the clarke of the towne of Plymouth doe signify openly in a towne meeting, that the Court doth not allow that any of the towne shall make sale of any their shares of land att Punckatesett, except to their owne townsmen, and that all former sales of that kind are made void, as otherwise soe by their owne towne order.

[*186.]

On the seauententh day of Aprill, 1669, the said Wiltam Ledra and Peter Peirson, engaging to depart as is heer expressed, were released out of prison and departed.

*Att this Court, Wiltam Ledra and Peter Peirson, two of those called Quakers, whoe were sometime since comitted to prison att Plymouth, according to the law, as being foraigne Quakers, appeerd and were seuerally required to make answare, according to the law, whether they would depart the gofiment in some conuenient time, viz^d, three or four daies, incase weather and strength suited, and that noe impediment in such like respects hindered in the interem of time aboue mencioned, with an intension (the Lord willing) not to returne into this gofiment any more ; to which the said Ledra answared that their imprisonment was vnjust and illegall ; on which the Court made it manifest that their imprisonment was according to law, both of England and this gofiment ; and as concerning departing the gofiment, according to the proposition aboue mencioned, hee, the said Wiltam Ledra, refused to engage to any certaine time to depart, onely saying, " Its like if I were att libertie out of prison I might depart in the will of God ere long ; " to which was replied in the Scripture phraise by the Court, that if hee would now resolute (the Lord willing) to depart by such a time, hee might haue his libertie ; which hee, the said Ledra, refused, saying hee would not engage to any certaine time. Peter Peirsons answare to the proposition first aboue expressed was, that hee stod singlely in the will of God ; and if hee were out of prison, if it were the will of God, hee would depart, but would not engage to any certaine time of departure, but would stand singlely in the will of God, though hee engaged not to man ; to which was replied by the Court, Would hee depart if it were not the will of God ? but since hee was not free att p^rsent to engage as afsaid. Infine, they were both returned to the place whence they came, with this engagement to him, — that when it should bee reveiled to him, the said Peter Peirson, that hee might depart, hee should send word to the majestrates, and hee may haue his libertie ; and although the abouesaid Wiltam Ledra was not p^rsent when the Court engaged to the said Peirson as afsaid, yett soe doeing hee may haue his libertie as the other.

**Att the Court of Assistants, holden att Plymouth the first of May,* 1660.

BEFORE Wiltam Collyare,
John Aldin,
Josias Winslow,

Thomas Southworth, and
Wiltam Bradford,

Assistants, &c.

1 May.
PRENCE,
GOU^r.
[*187.]

AT this Court, Ensigne John Williams appeered, being sumōned to answare for his entertaining a foraigne Quaker, and pmitting a Quakers meeting in his house, contrary to the lawes of this goūment, and after the examination of him about the p̄mises, the Court saw reason to require bonds for his appeerance att June Court, as followeth : —

Ensigne John Williams acknowledgeth to owe vnto the state of } 40^{li}.
England the sume of }

The condition, that wheras Ensigne John Williams was sumōned to this Court to answare for p̄mitting a Quakers meeting in his house, and for entertaining a forraigne Quaker, contrary to order of Court, and that the Court hath competent euidence to cleare vp the substance of the accusation, the said Williams perimtorily refusing to answare the same, pretending hee hath further euidence to cleare himselfe therof, and not acklowldging the legallity of the Courts p̄sent proceedings for tryall of his case ; if, therefore, the said John Williams shall appeer att the Court, to bee holden att New Plymouth the first Thursday in June next, to giue further answare to the said complaint, and not depart the said Court without lycence, that then, &c.

Ensigne John Williams appeered according to this bond, and soe this bond is cancelled.

Att this Court, John Smith, of Plymouth, Junir, appeered, being sumōned to answare for p̄mitting that a Quakers meeting was suffered to bee in his house, — his wife alsoe being sumōned to answare for p̄mitting the same : hee, the said Smith, was demaunded whether hee would owne and defend what his wife had done in that respect : hee answered hee would, and did owne it, and did approue of it, and soe was convict of the fact ; vpon the testimony of Leiftenant Southworth and Gabriell Fallowed, whoe testified on oath that they heard one of those called Quakers speake in the said meeting, as they were in the street neare the house of the said John Smith ; and likewise Leiftenant Southworth had afterwards speech with Nicholas Dauis, whoe acknowledged that there had bine a meeting att the said John Smiths house, the said Leiftenant Southworth disputcing with him about some passages expressed in the said meeting.

*Att this Court, Robert Bartlett appeered, being summoned to answare [*188.]

1660.

1 May.
PRENCE,
Gou^r.

for speakeing contemptuously of the ordinance of singing of psalmes, and was convict of the fact, and did inpart acknowledg his euill therin, promising that hee would bee warned of soe doeing for the future, expressing these words — that hee hoped it should bee a warning to him; on which the Court sharply admonished him, and required him that vnto such as hee had soe opprobiously spoken of the said ordinance hee should acknowledge his falt, which hee engaged to doe as hee should bee minded of them, and soe hee was discharged.

Elizabeth Eedey was summoned to this Court, and appeered, to make answare for her traueling on the Lords day from Plymouth to Boston; and affeirmed that shee was nessesitated to goe on that day, in regard that Mistris Saffin was very weake and sent for her, with an earnest desire to see her in her weaknes, with some other pleaes of like nature. The Court considering some cercomstances in her answare, although they saw not a sufficient excuse for her fact therin, saw cause to admonish her, and soe shee was discharged of the Court.

Att this Court Henery Howland, being sumōned, appeered to answare for his entertaining another mans wife in his house after complaint made to him by her husband, and for pmitting a Quakers meeting in his house, and for entertaining a forraigne Quaker contrary to order of Court. The first p̄ticulare hee stifely denyed, and the euidence did not appeer to make it out; but for both the latter hee was convict of them, and soe lyable to pay the fines amerced for such defaults.

On the complaint of Leiftenant Nash against the said Henery Howland, for stoping vp an highway, the Court haue ordered and doe appoint Constant Southworth and Willam Paybody to order and lay out the said way soe as it may bee the lest prejudiciall to any.

Att this Court Gorge Watson requested the Court in the behalfe of his son, John Watson, and his nephew, John Banges, that wheras vpon a mistake Samuell Hickes his name is entered into the Court records as purchaser of the lands att Cushenah & Accoaksett, &c, wheras M^r Robert Hickes should haue bine entered; that the said mistake might bee rectifyed, and the said Robert Hickes entered; to which, in regard the Gou^r was absent, it is refered vntill June Court.

**Att the Generall Court holden att Plymouth the sixt of June, 1660.* 1660.

BEFORE Thomas Prence, Gou^r,
 Wiltam Collyare,
 John Aldin,
 Josias Winslow,

Thomas Southworth,
 Wiltam Bradford, and
 Thomas Hinckley,

6 June.
 PRENCE,
 GOU^R.
 [*189.]

Assistants, &c.

M^R THOMAS PRENCE was chosen Gou^r, and sworne.

Wiltam Collyare,
 John Aldin,
 Thomas Willett,
 Josias Winslow,
 Thomas Southworth,
 Wiltam Bradford, and
 Thomas Hinckley,

} were chosen Assistants, and sworne, ex-
 cepting Cap^t Willett, then absent.

Major Josias Winslow and Leiftenant Thomas Southworth were chosen Co^missioners, and M^r Hinckley next in nomination.

Constant Southworth was chosen Treasurer, and sworne.

*The names of the deputies that serued att this Court, in the behalfe of the seuerall townes of this gou^ment, are as followeth, viz^t : — [*190.]

John Dunham, Se^r,
 Mannasses Kemton,
 Robert Finney,
 Ephraim Morton,
 Constant Southworth,
 Wiltam Paybody,
 Leif^t James Torrey,
 Cornett Robert Studson,
 Thomas Tupper,
 Thomas Burgis,
 Leif^t James Wyate,
 James Walker,

M^r Edmond Hawes was absent,
 M^r Thomas Howes,
 Henery Cobb,
 Nathaneell Bacon,
 M^r Josias Winslow, Seni^r,
 Anthony Snow,
 Leif^t Peter Hunt,
 Wiltam Sabin,
 Richard Higgens,
 Nathaneell Mayo,
 John Willis.

The Cunstables of the seuerall Townes of this Jurisdiction.

Plymouth, Gorge Watson.
 Duxburrow, Francis West.

1660.

6 June.
PRENCE,
GOU^R.

| | |
|---|--|
| Scittuate, | { John Turner, Jun ^r , John Merritt. |
| Sandwich, | William Swift. |
| Taunton, | Henry Andrewes. |
| Yarmouth, | Richard Sares. |
| Barnstable, | Abram Blush. |
| Marshfeild, | { Will ^m Maycomber, John Adams. |
| Rehoboth, | John Butterworth. |
| Eastham, | Ralph Smith. |
| Bridgwater, | Samuell Allin. |
| William Shurtlife and John Caruer, | } were admitted freemen att this Court. |

Propounded to take vp their Freedome.

| | |
|--------------------|-------------------|
| William Carpenter, | Joseph Pecke, |
| John Pecke, | Richard Joanes, |
| Samuell Newman, | John Butterworth. |

[*191.]

*The Grand Enquest.

| | |
|-------------------------------|---------------------------|
| Christopher Wadsworth, | John Bryant, |
| M ^r John Bradford, | Andrew Hallott, |
| John Morton, | Joseph Aldin, |
| Samuell Ryder, | John Smaley, |
| William Harvey, | Gorg ^e Bewitt, |
| John Finney, | Francis Allin, |
| Leiff Peregrine White, | Joseph Wilbore, |
| John Jenkins, | Robert Joanes, |
| Phillip Delanoy, | Nathaneell Paine, |
| Gylbert Brookes, | John Cobb. |

Josias Standish is allowed and approved of by the Court to bee leiff of the milletary companie of Bridgwater.

Leiftenant Ellis hath engaged to trayne the milletary company of Sandwich for a season.

In reference vnto a seditious letter sent for England, the copy wherof is come ouer in print, Captaine Cudworth being groundedly suspected to bee

1660.

6 June.
PRENCE,
Gou^r.Captaine Cudworth is, by a full and cleare voate, accepted and reestablished into the associasion and body of free-
[*192.]

men of this corporation. See more of this orders and passages of the Court, July, anno 1673.

See more of this orders and passages of the Court, July, anno 1673.

the auther therof, the Court haue ordered that hee shall put in sufficient securitie, to the vullue of five hundred pounds, for his appeerance att the next October Court, and soe from one Generall Court vnto another vntill June next, if the Court shall see reason; and that the Court doe vse their best endeavours forthwith to procure further testimony from M^r Browne, or any other, for the clearing of the case.

Captaine Cudworth being fond a manifest opposer of the lawes of the goũment, as appeers by sundry expressions in a letter directed by him to the Goũ and otherwise, is sentanced, according to the law, to bee disfranchised of his freedome of this corporation.

*Isaacke Robinson, for being a manifest oposer of the lawes of this goũment, expressed in a letter by him directed the Goũ and otherwise, is sentanced to bee disfranchised of his freedom of this corporation.

||There being some mistake in this, att his request, hee, the said Isaacke Robinson, is reestablished, and by generall voate of the Court accepted againe into the association of the body of the freemen of this corporation, and to enjoy the priuiledges therof as occation may require.||

Ensigne John Williams, for entertaining a foraigne Quaker, fined forty shillings, according to order; and in reference to the offence giuen by him, by his countenancing or adhering to the Quakers, in hopes of reformation, the Court haue suspended what might haue bine imposed, in disgrading him of his place for the p̄sent.

The Deposition of Willam Sabine, of Rehoboth, taken in the Generall Court, held att Plymouth, June 13, 1660.

13 June.

This deponent testifyeth, that the last autume, being in the way betwixt Deadum and Rehoboth, hee fell into the companie of two men, which were, as hee conceiued, Quakers, or adherents to them; and faling into discourse with the one of them about the Quakers that were a little before executed att Boston, hee, the said deponant, asked them why, that seing that they were their frinds that were executed att Boston, they did not vse some meanes to rescue them out of their hands that put them to death; vnto which their answere was, soe they would, but they wanted a leader. Then this deponant replied, that ther was Major Hawthorne, whoe was more for libertie then some other men, to whome they might haue repaired, and haue seen whether hee would haue bine their leader; then they replied, "Hang him! hee would run with the streame, for the great streame ran the other way." Morouer, one of them said that the goũment had taken ten pound from him for his wifes going to

1660.

13 June.
PRENCE,
Gov^r.

[*193.]

the meetinges of the Quakers, but hee hoped to haue it againe ere long ; and that they had made ouer all their estates, except lands, into the hands of other men, and that should lye ; but the said deponant replyed they would take that alsoe ; but they said they should know how to find that againe ere long, and that all their actions, and all their doeings and crewelties were knowne in England, and that they knew their intensions and their writings in England. Then this deponant demaunded of them how they knew their writings in England ; and they replyed, they had actiue men, whoe brake vp their letters and tooke coppies of them, and sealed them vp againe ; and they instanced one, viz^s, the Deputie *Go^v of the Massachusetts sent a letter to one M^r Sturgeon in England, and they said they knew what hee wrote therein ; and alsoe what M^r Sturgeon wrote ; and likewise that they had their marshall att Salem pictured vp in the exchange in London with his bauld head, standing behind a bush, looking after this cow and that hogg, &c. And this deponant testified that hee and they had much more discourse together, in speciall with the one of them, to the like effect as before said, the particulars wherof are not perfectly remembred by him, but these were the substance of what passed betwixt them. And further this deponant sayeth not.

Concerning the accusation charged vpon John Newland by Gorge Barlow and Obadiah Eedey, as that hee, the said Newland, should say hee is as holy as God is holy, and as perfect as God is perfect, as Gorge Barlow affirmed, and as holy as God himselfe was, (if hee stood,) and soe should remaine to perpetuity, as Obadiah Eedey affirmed ; the Court, being vnsatisfied in some respects about the testimonies, haue, for the present, freed the said Newland, with this caution, that if further and more satisfying testimony shall come in hereafter for the clearing of the case, that then hee must expect to make further answere about the promises.

Thō Clarke affirmed in open Court, that Gorge Barlow is such an one that hee is a shame and reproach to all his masters ; and that hee, the said Barlow, stands convicted and recorded of a lye att Newberry.

Ordered to bee recorded, that Gorge Watson desired M^r Aldin to take notice, that hee was enformed, that Gorge Barlow tooke from Goodman Gaunt, for his fine of 24^{li}, these particulars : seauen cowes & heifers, two steers, seauen bushells and an halfe of pease ; and after, when one of the cowes died, hee tooke another liue one in stead thereof, because Barlow had not the hide of the dead cow deliuered to him ; and this Thō Burgis, Juni^r, owned in open Court, that hee reported what is aboue written.

Fine.

Thomas Burgis, Juni^r, for refusing to aide the marshall, Barlow, in the execution of his office, is fined thirty shillings.

Henery Dillingham, for the same default in a different respect, fined fifteen shillings.

1660.

13 June.
PRENCE,
Gov^r.Fine.
[*194.]

*Wilfām Newland testified in the Court, that a message was brought or sent to him by one from Elizabeth Freeman, that affirmed that Jacob Burgis was drawne to testify that which hee did concerning Barlow, by Benjamin Nye, by feare, as threatened that incase hee would not attend Barlow in his occations against the Quakers, and soe to giue the p̄sent evidence, hee should not haue his daughter to wife. This is the substance of what Wilfām Newland testified concerning this matter.

Daniell Butler, for rescuing a strang Quaker, when apprehended by the marshall, Barlow, and for his breakeing away when taken p̄soner, is sentanced to bee publickly whipt, which accordingly was p̄formed.

Thomas Butler, and Dorithy, his wife, for turbulent cariages the same night that their son Daniell was serched for att their house, fined forty shillings.

Joseph Allin, for being att a Quakers meeting, fined ten shill; and for making disturbance in the meeting on the Lords day att Scituate, fined forty shillings.

Att this Court,

Edward Perrey,
John Newland,
Ralph Allin,
Wilfām Gifford,
Wilfām Allin,
Mathew Allin,

Gor̄g Allin,
Joseph Allin,
Daniell Wing,
Thomas Ewer,
Richard Kerbey, Junier,
Robert Harper,

being summoned, appeered, and were seuerally demaunded whether they would take the oath of fidelitie and this p̄sent goũment, which they all of them refused to doe.

The fifty shillings fine amerced on Thō Butler, for refusing to serue in the office of cunstable, is assigned and disposed to Barlow.

The Court haue allowed that a barrell of powder shalbee allowed out of the countreyes stocke, to bee spent att the generall training att Yarmouth this yeare.

*It is ordered by the Court, that twenty pounds shalbee giuen and sent to Mr Ling, one of the Marchant Venterors att our first beginings, being fallen to decay and haueing felt great extremity and poverty, the said twenty pound being bestowed on him towards his releife, which is to bee proposed to the seuerall townships of this jurisdiction, that if any will giue voutentarily it shalbee put into such away as may conduce to the end aforsaid, and what such

[*195.]

1660.

13 June.
PRENCE,
Gov^r.

contribution will fall short of the said twenty pound, that it bee made vp out of the country stocke by the Treasurer.

In answare to the complaint of Wamsitta, about damage done by the swine of some of the inhabitants of Rehoboth in their corne, the Court ordereth, that the Indians on the neckes called Annawamscutt and Keka-mewett shall make a sufficient pound to impound swine in the convenientest place they can, and haue libertie to impound such swine as treaspas them at any time in their corn; and they shall repaire to the towne clarke of Rehoboth, and desire hime to giue publicke notice therof, that the owners may take course to release the swine by satisfying the damage, which shalbee judged and leuied by some indifferent man of the English, chosen by the Indians treaspas; and alsoe that then, with all convenient speed, the owners of the swine shall remoue them of from the said neckes to some other place att some considerable distance, soe as they may not bee likely to doe the like damage againe.

In answare to Wamsitta, and an other Indian, called Wiltam, about a pcell of land layed claime vnto by them, as alsoe by a Narragansett sachem, and by the said sachem sold, to the great offence of the said Wamsitta and William, they affeirming that the said sachem hath nor never had noe interest in it, and desired direction of the Court what to doe in the case; the answare of the Court is, that they will request Captaine Willett to enquire into the case, and will doe therein as they shall see cause by further intelligence about the same.

[*196.]

*In answare to the request of Wamsitta, requesting libertie to purchase a smale pcell of powder for the vse of him and his brother, the Court haue ordered the Treasurer to bestow on him as a smale gratuitee haue a dozen pound of powder, but will not pmitt him to purchase the same any.

Att the earnest request of Wamsitta, desiring that in regard his father is lately deceased, and hee being desirouse, according to the custome of the natiues, to change his name, that the Court would confer an English name vpon him, which accordingly they did, and therefore ordered, that for the future hee shalbee called by the name of Allexander Pokanokett; and desiring the same in the behalfe of his brother, they haue named him Phillip.

The Court haue appointed and authorised M^r Timothy Hatherley to adminnester marriage in the township of Scittuate, and alsoe to graunt warrants and supenaes for actions, and to adminnester oathes either for giueing of euidence to grand jury, or otherwise if need require, for this p^sent yeare.

The Court haue appointed the major and the Treasurer to treat with Wiltam Barstow, concerning his proposition about a yearly repaire of the bridge

ouer the North Riuer, and they are authorised to agree and conclude with him about the premises, as they shall see cause.

The sume of three pound is allowed by the Court towards the repairing of the Eelriuer bridge, to bee paied out of the treasury ; and it is desired by the Court that it may bee made pasable for horse and foot before the next generall training.

*Leiff Southworth and M^r Wiltam Bradford are requested and appointed by the Court to take a view of the land desired by the townshipes of Duxburrow and Marshfeild, and to make report therof to the Court.

M^r Thomas Hinckley and Nathaneell Bacon are appointed and requested by the Court to sett the bounds of the lands graunted to the towne of Plymouth att Sepeccan.

Att this Court the deputies of Plymouth requested in the behalfe of their lands graunted to them ouer against Road Iland, instead of the lands graunted to Captaine Moris, might bee bounded, which the Court hath engaged to bee done with the first convenient oppertunitie.

It is agreed by the Court, that a certaine young horse belonging to the countrey shalbee for the vse of a trumpeter, which shall appertaine to the troop of horse; the said horse to bee att other times att the dispose of the Treasurer, for the vse of the countrey, as occasion shall require.

Libertie is graunted vnto the major to admitt of soe many voullenteers into the troop of horse as will make vp their number forty eight, the comission officers excepted, and all such to continew three yeares att the least.

M^r Bradford, Constant Southworth, and Wiltam Paybody are requested and appointed by the Court to lay out the land graunted to Captaine Standish att Satucquett Pond.

M^r Josias Standish is appointed by the Court, to joyne with any two whom the towne of Bridgwater shall appoint, to sett out the bounds of their towne betwixt this and the last of July next, on the penaltie that the towne shall pay the sume of fifty shillings, which if forfeited, that then it shalbee payed to those that are appointed to laye out Cap^t Standishes land, whoe are to lay out their line, and they to doe it on the others behalfe.

*A pcell of land, lying betwixt Tetacutt and Taunton, is to bee viewed by Constant Southworth and Wiltam Paybody, and if it shalnot bee found within the bounds of Taunton, nor to neare Tetacutt, that then Wiltam Brett, John Willis, Thomas Haward, Seni^r, and Arther Harris haue a competency graunted and confermed vnto them, if it bee there to bee found; if not, they haue libertie to looke out for further supply with what conveniency they can.

Liberty is graunted vnto Richard Bourne and Thomas Tupper, Seni^r, to

1660.

13 June.
PRENCE,
Gou^r.

[*197.]

[*198.]

1660.

13 June.
PRENCE,
Gov^r.

looke out some land for their accomodation towards the south sea, and that then a competency wilbee graunted by the Court. The like liberty is graunted vnto Gorge Barlow; and that those that lay out Richard Bournes and Thomas Tupper shall alsoe lay out his.

Concerning the lands graunted to the inhabitants of Eastham, lying from Yarmouth bounds to the lands which Wiltam Nicarson purchased, to the north bounds of the purchasers lands, the Court haue appointed M^r Thomas Hinckley and Ensigne Lambert to take a view therof, and make report therof vnto the Court.

A pcell of meddow, formerly called M^r Leuriches meddow, as being by him onely mowed, the said meddow lying att Manomett, is now graunted, with all and singulare the appurtenances belonging thervnto, vnto Thomas Burgis, Senir, of Sandwich, to him and his heires foreuer.

A pcell of meddow is graunted vnto Myles Black, lying att Mannomett, next towards the towne of Sandwich, to him and his heires for euer, with all the appurtenances.

Three acres of meddow is graunted vnto Abraham Peirse, Senir, lying on the north side of the brooke att Namassakesett, with all the appurtenances belonging thervnto, to him and his heires for euer.

Two acres of meddow, more or lesse, being a smale pcell lying att Lakenham, neare the land that was John Barneses ther, is graunted to Wiltam Hoskines, to him and his heires foreuer, with all the appurtenances belonging to it.

[*199.]

*The seuerall townes within this gouernment, haueing sent in their deputies and impowered them to act for the countrey, in all matters relating to the trade att Kennebecke, they making their appeerance

Imprī: it was agreed, that any former agreements, notwithstanding it shalbee lawfull for the Gou^r and his ptenors, thinges being as they are, to call home their estates and seruants there when they shall see cause.

And on the other side it is alsoe mutually agreed, that the countrey, or any that shall allow of, may att p^sent, or when they please, goe and make some beginning of trad there, notwithstanding any bargaine with the said ptenors to the contrary.

2^{ly}. It was the vote of that comittee, that if five hundred pound sterling could be obtained for the countreyes interest there, it should bee sold.

3^{ly}. It was by the said comittee refered to the major, Leiftenant Southworth, M^r Constant Southworth, and Cornett Studson, and M^r Josias Winslow, Senir, or any three of them being p^sent, either to sell or otherwise dispose of the said trad in the countreyes behalfe.

The Names of the Committee.

| | |
|--|-------------------------|
| M ^r Josias Winslow, Seni ^r , | John Willis, |
| Constant Southworth, | William Sabin, |
| M ^r Tho ^s Howes, | Thomas Tupper, |
| Richard Higgens, | Leiftenant James Wyatt, |
| Nathaneell Bacon, | Nathaneell Warren. |
| Robert Studson, | |

1660.

13 JUNE.
PRENCE,
GOU^r.

*M^r Collyare, M^r Aldin, Leiftenant Southworth, and M^r Hinckley are deputed to giue meeting to other att Taunton the fourth day of the last weeke in July, 60, to endeauor the settleing of such differences as are amongst them.

[*200.]

It is ordered by the Court, that notice shalbee giuen to such of Yarmouth, Barnstable, and Sandwich, that did send in the oyle due to the countrey, that they are to take course that what is wanting in the barrells being full bee supplied.

The major & M^r Josias Winslow, Seni^r, and Nathaneell Bacon were appointed by the Court to take the countreyes account of the Treasurer.

In regard that M^r Alden is low in his estate, and occasioned to spend much time att the courts on the countreyes occasions, and soe hath done this many yeares, the Court haue allowed him a smale gratuity, the sume of ten pounds, to bee payed by the Treasurer.

In answare vnto a request made to the Court by the widdow Vobes, requesting some supply of land in respect vnto the conditions of an indenture made betwixt M^r Isacke Allerton and her husband, John Vobes, late deceased, the Court giues liberty that any for her may looke out some land for her supply, and a competency wilbee graunted and confermed vnto her.

*Liberty is giuen to M^r Collyare by the Court to sell stronge waters to his neighbours, or any others, as hee shall thinke meet.

[*201.]

It is ordered by the Court, that the countreyes house, bought of Cap^t Willett, shalbee repaired att the charge of the countrey, and the Tresurer to take some speedy course for the doeing of it, and likewise to prouide some conueniency of beding there for speciall occasions.

These may certify all whome it may concerne, that three men, viz^s, Phillip Sliuer, William Johnson, and James Peirse, being att sea on fishing in a shallop, came neare Plymouth harbour, and resolved to come into the said harbour, on the fifteenth of June, 1660, the morning being rainy; and when they were in the harbour, not being acquainted with it, haueing neuer bine there before, and the tide being out and a fogg on the shore, they followed a

15 July.

1660.



15 July.
PRENCE,
Gov^r.

certaine channell which led to the northerly end of the harbour, but not directly to the towne, in which time a great storme of thunder, lightening, and raine arose; in which storme a stroake of thunder and lightening, by Gods ordering hand, ymediately the life of the said James Peirse was taken away, as appeers by the testimony of the enquest following:—

[*202.] *The Verdict of the Jury consarning the sudden Death of James Peirse, of Boston, late deceased, as followeth:—

Wee, whose names are vnderwritten, being summoned by Leiftenant Southworth as a corrowners enquest, to enquire consarning the sudden death of James Peirse, doe testify that, on the fifteenth day of this instant June, 1660, wee did view his corpes, and alsoe made dillegent enquiry of such as were in his companie att his death, and doe find that hee died by an emediate hand of God by thunder and lightening, which appeereth by these cleare demonstrations, viz^t: his body was burnt on the right side downe to the calfe of his legg, as alsoe his shirt burnt on his stomach and other ptes of it, his wastecoate being lased close with a fishing line, and not burnt, saue only scorched in the inside next to his shirt; morouer, wheras they were in a boate in Plymouth harbour in a storme of raine and thunder, the same blow of thunder which tooke away his life wee find did alsoe shiuer the mainemast of the boate wherin they were, about two thirds of the said mast from the candelens vpward, and the foremast was broken aboute two foot of it of; and the said James Peirse, being on the fore cuddy of the said boate, was strooke ouerboard, and wee conceiue that, possibly falling suddenly into the water, it might hasten his end; whervnto wee haue subscribed our hands, the 15 of July, 60.

GYLES RICKARD, Seni^r,
JAMES COLE, Seni^r,
SAMUELL HICKES,
JOSEPH BRADFORD,
JOHN RICKARD,
SAMUELL STURTIVANT,
JOHN MORTON,

his
THOMAS LETTICE, **R** mark,
JOHN MOSES,
JOB ALMY,  his marke.
ARTHUR VERNAM,
his
TH^o  LUCAS,
marke.

**Att the Court of Assistants holden att Plymouth the seauenth of* 1660.
August, 1660.

7 August.
 PRENCE,
 GOU^r.
 [*203.]

BEFORE Thomas Prence, Gou^r, Thomas Southworth,
 Willam Collyare, Willam Bradford, and
 John Aldin, Thomas Hinckley,
 Josias Winslow,
 Assistants, &c.

IN answare to Robert Barker, about Goodwife Thomas, the Welchwoman, the Court ordereth that the said Robert Barker shall require and take into possession such goods or chattles as are belonging to the said Welch woman, and soe to take her into his custitie, that shee may liue in his house, and to see that shee doe not liue extrauigantly as formerly, and to pforme the conditions made with the towne of Duxburrow in that behalfe; and incase shee should goe away att any time, the said Robert shall returne her estate againe to her, and in the mean time not to make any of it away or dispose of any pte therof vnlesse hee bee nessesitated thervnto to prouide clothing for her, or incase of sicknes or the like, and shalbee reddey to giue an account of what hee expendis therof when required by the Court.

Willam Parker, of Scittuate, for pmiting a Quakers meeting to bee in his house, fined forty shillings.

The said Willam Parker, for entertaining a strange Quaker, called Wenlocke, into his house, fined fve pounds.

Willam Newland, for entertaining of the said Wenlocke, fined fve pounds.

The mare, taken with Peter Peirson, the Quaker, is released to the owner incase hee shall defray all nessesary charges for her keeping.

*Att this Court, Winlocke Christopherson, one of those called Quakers, appeared before the Court, and after examination and much speech with him, the Court required him ymediately to depart the gou^rment according to the Courts order, which hee would not engage to doe, and soe was returned to the prison from whence hee came.

Soone after the Court hee engaged to goe directly out of the gou^rment, whervpon hee was released.
 [*204.]

Att this Court, Thomas Attkins, an inhabitant att the Riuer of Kennebecke, appeared before the Court, haucing bine apprehended and comitted to jayle for comitting incest with his owne daughter, named Mary, whoe accused him that hee had comitted the said acte sundry times with her; and being

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Gov^r.

strictly examined hee denyed that hee euer *hee* had to doe with her in that kind, and was returned to the jayle againe, and there to remaine vntill the next Court for further tryall. The sume of the examination is elsewhere extant in the Court.

2 October.
[*205.]

**Att the General Court holden att Plymouth the 2^{cond} of October, 1660.*

| | |
|--|----------------------|
| BEFORE Thomas Prence, Gov ^r , | Thomas Southworth, |
| Wiltam Collyare, | Wiltam Bradford, and |
| John Aldin, | Thomas Hinckley, |
| Josias Winslow, | |
| Assistants, &c. | |

THE names of the deputies whoe appeered att this Court, being sumoned vpon speciall occasion, were these following: —

| | |
|-------------------------------------|--|
| John Dunham, Seni ^r , | M ^r Thomas Howes, |
| Manasses Kemton, | M ^r Edmond Hawes, |
| Robert Finney, | Henery Cobb, |
| Ephraim Morton, | Nathancell Bacon, |
| M ^r Constant Southworth, | M ^r Josias Winslow, Seni ^r , |
| Wiltam Paybody, | Anthony Snow, |
| Leiftenant James Torrey, | Leiff Peter Hunt, |
| Cornett Robert Studson, | Wiltam Sabin, absent, |
| Thomas Tupper, | Richard Higgess, |
| Thomas Burgis, | Josias Cooke, |
| Leiftenant James Wyate, | John Willis. |
| James Walker, | |

Att this Court, Cap^t Cudworth appeered, being bound, and others with him, in the sume of five hundred pounds, and the bonds were cancelled, and the said Cap^t Cudworth for that p^rsent cleared.

Some conclusions were concluded and determined att this Court, by the joynt consent of the majistrates and deputies, which are elswhere extant in the Courts Booke of Lawes.

The Court haue joyntly agreed the case respecting Captaine Cudworth, about the scandalous letter sent for England, suposed to bee pened by Cap^t James Cudworth, shalbee tryed by way of action att the Court to bee holden for this gou^rment the first Tusday in March next ensueing the date hecrof, and Major Josias Winslow and M^r Thomas Southworth are appointed and deputed

by the Court to implead the case, and it is left to their libertie to make choise of whome they please out of the deputies or freemen to bee assistant to them therein.

*Mr John Browne, being deposed, testified in Court haueing heard a printed letter read, that is supposed to bee sent from Cap^t James Cudworth to himselfe; hee testified that hee did receiue a letter, subscribed James Cudworth, of Scittuate, which was the substance of what hee had now heard, but to all particulares his memory would not reach; and further saith that when hee receiued the said letter hee did not question but it was his hand.

The said Cap^t Cudworth, being required to answere whether it was peñed by him or not, refused to answere directly, saying, if any thing could bee produced vnder his hand, hee would take to it, or to the like effect; on which the Court prepared for a further tryall of the case for the clearing of their inossensy concerning the p^rmisses, according to the manor before expressed, and the said Cap^t Cudworth was for the p^rsent released as aforesaid.

Att this Court, Wenlocke Christerson, one of those called Quakers, appeared, being a forraigner, and comitted the second time for transgressing the law of the collonie prohibiting any such to come into these p^rtes, and was demaunded wherfore hee came againe, seeing that it was against the law of the countrey, but gaue noe satisfactory answere, and moreouer behaued himselfe turbulently and insolently before the Court, on which hee was sentenced by the Court to bee layed necke and heeles, which accordingly was p^rformed, and was afterwards demaunded whether hee would directly depart out of the gou^rment, which hee refused to doe, on which hee was further sentenced to suffer corporall punishment by whipping, which accordingly was p^rformed, and forthwith according to the law sent out of the gou^rment.

Att this Court, Caleb Lumbert, for abominable cursing and swearing, was sentenced to sitt in the stockes during the pleasure of the Court, which accordingly was executed.

*Att this Court, Thomas Atkins, inhabitant att the Riuer of Kennebecke, and late prisoner att Plymouth, for comitting insist with Mary Atkins, his owne daughter, came to his tryall according to law, which accordingly was procequated against him, by a bill of inditement prefered, and a jury of twelue men were impanneled for the tryall of the case, the prisoner examined, and all the euidence that could bee produced was p^rsent.

The said Thomas Atkins put himselfe vpon tryall of God and the countrey.

The grand jury found the bill of inditement a true bill, and indorsed on it *bella vera*.

1660.

2 October.

PRENCE,
Gou^r.

[*206.]

[*207.]

1660.

2 October.
PRENCE,
Gov^r.

The names of the petty jury, or jury of life and death, are as followeth: —

| | | | | | |
|---------|---|---------------------------------------|---------|---|----------------------------|
| sworne, | { | Mr Thomas Dexter, Seni ^r , | sworne, | { | Samuell Hickes, |
| | | Mr John Done, | | | Wiltam Maycomber, |
| | | Thomas Huckens, | | | Robert Denis, |
| | | Mr Alexander Standish, | | | Gorg ^e Patrich, |
| | | John Tompson, | | | John Rogers, |
| | | Nathaneell Warren, | | | Samuell Sturtivant. |

These brought in a verdict, wherein they expressed that they found the said Thomas Atkins not guilty of the said fact, and soe according to the law hee was cleared.

And whereas, in the examination of the said Thomas Atkins, it appeared that on a time hee being in drinke in the night season in his owne house, hee offered some vnclean, inestious attempts to his owne daughter, Mary Attkins, aboucsaid, in his chimney corner, as hee himselfe, in p^rte, confessed. Hee was sentenced to suffer corporall punishment by whiping, which accordingly was executed, and soe the said Atkins cleared and sett att libertie to returne to his owne home.

[*208.]

*Fines.

A certaine Indian, called Saquatam, for coursing and hunting of horses, and taking them vp contrary to order of Court, is fined twenty shillings; and another Indian, called Quachevenett, for the same default in a different respect, fined ten shillings.

Teage Jones, for being drunke seuerall times, fined six pounds.

Thomas Jones, of Taunton, for being drunke twice, fined ten shilli.

Thomas Lucas, for being drunke twice, fined ten shillings.

Diuers psons fined for being att Quakers meetings.

These fined
each ten shil-
lings, accord-
ing to the law.

| | |
|--------------------------------|--|
| Robert Harper & his wife, | Peter Gaunt, |
| Joseph Allin, | Dorithy Butler, |
| Benjamin Allin, | Obadiah Butler, |
| John Newland and his wife, | John Jenkins, |
| Wiltam Allin, | Richard Kerbey, Seni ^r , |
| Wiltam Gifford, | Richard Kerbey, Juni ^r , |
| Mathew Allin, | Jone Swift, |
| The wife of Henery Dillingham, | John Smith, of Plymouth, Juni ^r , |
| Wiltam Newland and his wife, | and Deborah, his wife, |
| John Soule, of Duxburrow, | Lydia Hickes, of Plymouth. |
| Rodulphus Elmes, of Scittuate, | |

Henery Howland, for entertaineing a Quakers meeting in his house twice, fined foure pounds.

1660.

These following convicted for refusing to take the oath of fidelitie : —

| | |
|------------------|------------------------|
| Robert Harper, | Joseph Allin, |
| John Newland, | Richard Kerbey, Junir, |
| William Gifford, | John Jenkins, |
| Mathew Allin, | Ralph Allin. |

2 October.
PRENCE,
Gov^r.

*Libertie is graunted vnto Richard Bourne, in regard of his want of accomodation of land, to looke out a portion of land for his supply therin, and incase hee can find any that may bee comodious for him, that M^r Aldin and M^r Hinckley, being deputed by the Court, shall view it and purchase it of the Indians, and make report therof to the Court, that soe a competency may bee confeirmed to him.

[*209.]

Likewise alsoe M^r Alden and M^r Hinckley are appointed by the Court, in the behalfe of the towne of Barnstable, to purchase a certaine portion of land belonging to Janno, the Indian sachem.

Thirty acres of land is graunted vnto Joseph Green, lying about Namasashesett Ponds, to bee layed forth for him by Constant Southworth, Treasurer, and William Paybody.

The Major Winslow and Constant Southworth, Treasurer, are appointed by the Court to sett att rights some differences, occasioned by inroachments vpon John Rouse his mersh, neare his iland in the great mersh att Marshfeild.

*Wheras, complaint is made by Thomas Lumbert, Seni^r, of Barnstable, that Jedediah, his sone, hath carryed stubbornly against his said father, and that hee is by him freed, prouided hee doe dispose himselfe in some honest family with his fathers consent, which if hee shall neglect to doe, the Court haue deputed M^r Hinckley to dispose of him to some honest, godly family, with his and his fathers consent.

[*210.]

Likewise M^r Hinckley is appointed by the Court to treat with Joanna, the wife of M^r Thomas Bursley, late deceased, conserning the disposing of some pte of his estate vnto his children, that soe what is done on that behalfe may bee entered on the Court records.

| | | |
|--|---|--------------|
| Cushenah is required to pay by rate for common charges | } | 01 : 10 : 00 |
| the sume of | | |
| Sowamsett, the sume of | | 02 : 10 : 00 |
| M ^r Brinton, the sume of | | 00 : 10 : 00 |
| Capt Cooke, the sume of | | 00 : 10 : 00 |
| M ^r Briggs, the sume of | | 00 : 10 : 00 |

1660.

2 October.
PRENCE,
Gov^r.

Cap^t Willett is to bee sent vnto to put those that haue lands att Sowamsett into some way for the leuiing and paying of their rates.

The like to Arther Hatheway and Sarjant Shaw, for theirs att Cushenah. And likewise to M^r Brenton, Cap^t Cooke, and M^r Briggs.

3 December. **Att a Court of Assistants held att Plymouth the 3^d of December,*
[*211.] *1660.*

BEFORE Wil^m Collyare,
John Aldin,

Thomas Southworth, and
Wil^m Bradford,

Assistants, &c.

LRES of adminnstration were graunted vnto the wife of Jeremiah Burroughs, late deceased, to adminnester vpon his estate; and shee is ordered by the Court to repaire to Major Winslow, and hee is ordered and requested by the Court to take oath to the inventory of the said estate, and to order matters respecting the childrens portions, and other p^ticulares, as occasion shall require therabouts, and to returne what hee hath acted therein vnto the Court.

Concerning the controuersy depending betwixt Wil^m Clarke, of Duxburrow, and John Washburne, Jun^r, about a peece of marsh meddow, the Court haue ordered, that incase the said p^ties agree not about the said controuersy betwixt this Court and the next Court of Assistants, that then they are to repaire to the said Court, and they shalbee heard.

The Court haue ordered, that M^r Collyare, M^r Aldin, and the Treasurer are to meet together the first Tuesday in January next, to settle matters about the estate of Goodwife Hunt, betwixt her and her children.

[*212.] *Wheras Ephraim Hickes, of Plymouth, the tweluth day of December, anno Do^mi 1649, died a violent death, and that the night before his decease hee expressed a few words to M^r Thomas Southworth about the disposing of his outward estate, which said will nuncapatiue was found by the Court to bee vnvalled and illegall, for that the said Ephraim Hickes was not in a capacitie in regard of his said maⁿor of death to make a legall will, soe that the said estate faling to the Court to bee att their dispose, they, for sundry causes moueing them thervnto, then ordered that the said estate should bee improved for the comfort and support of Mistris Margaret Hickes, the mother of the said Ephraim Hickes, in her age and widdowhood, according to their approba-

1660-1.

5 February.
PRENCE,
GOU^R.

proud carriages and expressions vttered by the said Wiltam Reap, and some friuolous speeches vttered by the said Peirson, the law of the collonie was read vnto them, and they accordingly required to depart on the morrow out of the goũment directly, life and health and weather pmiting; and for that night the one of them, viz^s, Wiltam Reap, was ordered to lodge att the house of John Smith, if hee pleased, and the other of them, viz^s, Peirson, was ordered to lodge att the ordenary, forasmuch as hee had not the like occations, att least in p̄tence, as the other to come into the goũment, and alsoe had bine heer in this goũment diuers times. On the morrow, which was the sixt of February, they tooke their journey towards Road Iland.

[*214.]

*Att this Court, Constant Southworth, Treasurer, and Wiltam Paybody, were appointed by the Court to settle the bounds betwixt the marsh of John Washburne, Jun^r, and the coũmons in the marsh att Greensharbour.

Att this Court, John Baddo, servant to Wiltam Newland, was p̄sented before the Court, haueing bine coũmitted to jayle for ruĩning away from his said master, and taking away his mare with him, and p̄lloyning of some other things; and after examination and conviction, the said Baddo was ordered to returne vnto his said master againe, and warned to carry better; and it was further expressed to him by the Court, that forasmuch as hee manifested sorrow for his said fact, that therefore riggor of law should not bee executed vpon him for the same; neuerthelesse, hee was sentenced by the Court to bee publicly whipt, which accordingly was p̄formed.

Att this Court, a summons was directed from the Court to the cunstable of Sandwich to require Peter Gaunt, Wiltam Allin, Mathew Allin, Gorge Allin, John Newland, Joseph Allin, Phillip Allin, Richard Kerbey, Sen^r, Richard Kerbey, Jun^r, & John Jenkins, all p̄sonally to appeer att the Court to bee holden att Plymouth the first Tusday in March next ensuing the date heerof, to answare for their tumultuouse carriages against the marshall and cunstable of Sandwich in the execution of their offices in the securing of two strang^r Quakers.

Att this Court, Joshua Coxall, of Road Iland, for breach of a law prohibiting any strange Quaker to ride on any horse within this jurisdiction, forfeited his horse by that law; which said horse was seized by Marshall Barlow for the vse of the collonie.

**Att the Generall Court held att New Plymouth the fift of March, 1660-1.*

5 March.
PRENCE,
GOU^r.
[*215.]

BEFORE Thomas Prence, Gou^r, Thomas Southworth,
Wiltam Collyare, Wiltam Bradford, and
John Aldin, Thomas Hinckley,
Josias Winslow,
Assistants, &c.

ATT this Court, John Hawes, of Yarmouth, was indited for violently and by force of armes taking away the life of Joseph Rogers, of Eastham, by giueing him a most deadly fall, on the 25 of December, 1660, in the towne of Eastham, whereof and whervpon hee did most vehemently complaine, and about 48 houres after died.

The said John Hawes did put himselfe vpon tryall by God and the cuntry.

The grand jury found the bill of inditement a true bill.

The names of the petty jury, or jury of life and death, that had the tryall of this case, as followeth : —

| | | | | |
|---------|---|--|---|---------------------|
| sworne, | { | Mr Josias Winslow, Seni ^r , | { | Wiltam Paybody, |
| | | Leiftenant James Torrey, | | Samuell Sturtivant, |
| | | Cornett Robert Studson, | | Ephraim Tinkham, |
| | | Robert Finney, | | Steuen Bryant, |
| | | Ephraim Morton, | | John Sutton, |
| | | Samuell Hickes, | | Benjamine Bartlett. |

These brought in a verdict wherin they expressed that they found that the said John Hawes was not guilty, and soc according to law hee was cleared in the open Court and released.

*Joseph Siluester, of Marshfeild, doth acknowledge to owe and to stand indebted vnto his ma^{tie}, his heires and successors, in the sume of twenty pounds sterlinge in good and current pay. [*216.]

The condition of this obligation is, that incase Dina Siluester shall and doth appeer att the Court of Assistants to bee holden att Plymouth the first Tusday in May next, and attend the Courts determination in reference to a complaint made by Wiltam Holmes and his wife about matter of defamation,

1660-1. that then this obligation to bee void, or otherwise to remaine in full force and vertue.

5 March.
PRENCE,
Gov^r.

In witnes, the aboue bounden hath heervnto sett his hand, this 9th of March, 1660.

JOSEPH SILUESTER.

Att this Court, Robert Whetcomb and Mary Cudworth, for disorderly coming together without consent of parents and lawfull marriage, is sentenced to pay ten pounds fine and imprisoned during the pleasure of the Court; and being desirouse to bee orderly married, accordingly were this 9th of March, 1660.

Ezekiell Mayne, for accompanying and countenancing of the said p̄tyes in theire extraingant course for the accomplishing of theire eregulare purposes, was fined twenty shillings.

Gorge Barlow, for causinge Benjamine Allin to sitt in the stockes att Sandwich the greatest p̄te of a night without cause, and for other wronges done by him vnto the said Allin, was fined twenty shillings, to bee payed vnto the said Benjamine Allin.

Likewise the said Gorge Barlow is ordered by the Court to restore vnto Ralph Allin a shirt, and some other smale linnine, which hee tooke from him in the psuite of Wenlocke.

[*217.]

*In reference vnto a petition prefered to the Court by Mistris Margaret Hickes, the Court haue ordered, that the said Margaret Hickes shall chose one man, and Samuell Hickes another man, to arbtrate the case betwixt them; and incase they can not agree, that then the said arbtrators shall choose a third man to bee vmpire, and as hee shall agree and conclude of matters in controuersy betwixt them, soe shalbee the *the* finall end therof; and incase they, viz^d, the said Margaret Hickes and Samuell Hickes, doe not or will not chose men as aforsaid, that the *the* Court will chose men and depute men to arbtrate the case and put it to a finall end.

The Gou^r is authorised by the Court to giue oath to Susana, the wife of the late deceased Joseph Rogers, for the truth of the inuentory of his estate.

Twenty shillings, that was leuied vpon Thomas Butler by the marshall, Barlow, for a fine for his wife and son being att a Quakers meetings, was remitted and released to the said Thomas Butler againe.

Ten shillings fine remitted to Rodulphus Elmes.

Thomas Lucas, for being drunke the third time, sentanced according to order to find surties for his good behauior.

Thomas Lucas oweth our sou^r lord the King the sume of 20 : 00 : 00

John Wood the sume of 10 : 00 : 00

Gorge Bonum the sume of 10 : 00 : 00

1660-1.

5 March.
[PRENCE,
GOVERNOR.]

The condition, that if the said Thomas Lucas bee of good behavior towards our sou^r lord the Kinge and all his leich people, and appeer att the Court to bee holden att Plymouth the first Tusday in June next, and not depart the said Court without lycence ; that then, &c.

*Thomas Lucas, for his p^senting himselfe in the Court distempered with drinke, and for his vnbeseeing behaiour both in words and jesturs before the Court and towards some of the majestates, was sentanced by the Court to bee comitted to prison and to pay a fine of forty shillings.

[*218.]

James Cole, Seni^r, for selling wine to the Indians, fined ten shillings.

Likewise Gyles Rickard, for the same default, fined ten shillings. These p^ties, pleading ignorance of the order of Court prohibiting the seling of wine or strong liquors to the Indians, were not fined according to the extremitie of the order, but each ten shillings, as aforsaid.

John Soule appeered att this Court to answare a p^sentment, and pretended that hee wanted euidence att p^sent to cleare vp the case, and therefore the matter was respeted vntill the next Court of Assistants, and then hee is to appeer againe before the Court ; and incase hee can not cleare vp the matter noe better than hee hath done, hee is sentanced to sit in the stockes during the pleasure of the Court.

Wheras this Court is giuen to vnderstand that there are certaine cottages to bee erected, or in erecting, within the townshipp of Yarmouth, contrary to order of the Court, the Court ordereth M^r Anthony Thacher and M^r Thomas Howes, Seni^r, that they take dilligent care henceforth, from time to time, that noe more houses bee erected there contrary to the said order ; and incase any after theire prohobition shall psist soe to doe, then they to signify the same to the Court, and attend their further order.

Dina Siluester, being examined, saith the beare shee saw was about a stones throw from the highway when shee saw it ; and being examined and asked what manor of tayle the beare had, shee said shee could not tell, for his head was towards her.

This was ordered to be recorded for the clearing of a report about W^m Holmes his wife being accused to be a witch.

*Eres of adminnestration was graunted vnto Joane, the wife of Edward Tilson, late deceased, to adminnester vpon his estate, and to pay all such debts as are owing to any.

[*219.]

The Court haue further ordered, that the said Joane Tilson her husband dying without will, and forasmuch as shee hath bine a true labourer with him in the procuring of his estate, that shee shall haue thirty pounds sterling out of the said estate as her owne proper, to her and her heires for euer ; and for

1660-1. the remainder of the said estate, that the younger children bee made equall to the elder in what they haue had, and for the remainder, after that is done, that it bee equally deuided amongst all the children in equall proportions.

5 March.
PRENCE,
Gov^r.

M^r Samuell Hinckley, Henery Cobb, John Cooper, John Jenkins, and Samuell Fuller, of Plymouth, are aded to the purchasers att Saconecsett and places adjacent, to bee equall with the said purchasers in charges about the said lands, and to haue equall proportions of accomodations amongst them in the said lands.

It is ordered by the Court, that M^r Alden and M^r Hinckley shall reparaire to the South Sea about Sandwich, and view the meddow there, and to order a competency therof to Richard Bourne; and likewise to view the meddow att Mashpee, and to order the matter about Myles Black and Thomas Burgis, Seni^r, theire fraudulent procuring of a graunte of meddow neare Manuomet, and to make report vnto the Court of what they haue done in the premises.

Ten shillings
allowed to
Trustrum Hull
for charges of
attendance
about this
horse.

A blacke horse was cryed att this Court, which was the horse which was in controuersy betwixt Trustrum Hull and M^r Thomas Bourne. This is refered to the Court of Assistants to bee holden in May next, to bee fully ended.

*The seauenth of February, 1660.

[*220.]

Wee, whose names are vnderwritten, being impannelled on a jury to enquire how Jeremiah Burroughs, of the towne of Marshfeild, came by her death, wee find, that hee, coming in a smale cannoo to fech some goods hee had in John Bournes boate, and reaching with his hand to lay hold of the boate, reached short, and soe fell into the water, wherby hee came by his death; and soe wee say all.

JOSIAS WINSLOW,
PEREGRINE WHITE,
JOHN BRADFORD,
JOSEPH BEDLE,
WILLAM FOARD,
ANTHONY SNOW,
THOMAS TILDEN,
JOHN CARUER,
ELISHA BESBEY,
GORGE RUSSELL,
TIMOTHY WILLIAMSON.

Memorandum: that some course bee thought on and ordered about smale

and naughty cannoos, and in speciall about this cannoo in the which Jeremiah Burrowges went vnto the boate in which hee came by his death. 1660-1.

Att this Court, M^r John Browne & Captaine Willett was appointed by the Court to apprehend Henery Hobson, of Road Iland, and to take securitie for his appearence att the Court att Plymouth to answare for his derision of authoritie in counterfeiteing the solemnising of the marriage of Robert Whetcom & Mary Cudworth.

5 March.
PRENCE,
Gou^r.

Att this Court, Ralph Allin, Wiltam Allin, Gorge Allin, and Joseph Allin were conuict of refusing to take the oath of fidelitie.

Att this Court, ten shillings fine was remitted to Peter Gaunt, which was leuied vpon a mistake.

Att this Court, a certaine Indian called Caucantawashuck appeered before the Court, haueing bine committed to prison for stealing diuers thinges from diuers psons att Taunton, which was proued to his face, and by him owned and confessed. Hee was heard and examined, and againe comitted to prison, and sence hath broken prison and is fled.

Memorandum: that John Weston bee warned to appeer att the next Court, to answare for abusing one of the grandjury men.

Att this Court, Sarjeant Tickner was fined twenty shillings for striking and abusing Joseph Wormall, of Scittuate.

*Whereas att the Generall Court holden att Plymouth the seauenth of June, 1660, Leiftenant Southworth and M^r Wiltam Bradford were appointed by the Court to take a view of lands desired by the townshipes of Duxburrow and Marshfeild, and to make report therof vnto the Court, which accordingly they haue done; and accordingly the Court haue graunted and confeirmed vnto the said townshipes of Duxburrow and Marshfeild a tracte of land as followeth, viz^s: bounded into the woods from the northwest end of Joanses Riuer Pond, with a direct line to Indian Head Riuer; and on the north bounds to the Indian Head Riuer; the south side to come home to Plymouth bounds soe high as this graunt goeth westwards, that is, as high as Joanses Riuer Pond, prouided that this abouesaid graunt doe not intrench vpon or infringe any former graunt to any pson or psons whatsoeuer, and alsoe that M^r Wiltam Bradford, hee nor his heires nor assignes, shall not bee hindered of co^monage by the abouesaid graunt. [*221.]

Wiltam Hoskins standeth engaged to the Court, and is responsible to pay and to answare John Beasell, or any of his assignes, for sundry p^ticulares which hee receiued from the constable of Plymouth, which were by him attached; which said p^ticulares were apprised by Major Winslow and Captaine Willett, appointed by the Court.

1660-1.

5 March.
PRENCE,
Gov^r.

| | |
|---|--------------|
| Item, a hatt, | 01 : 05 : 00 |
| Iŕ, 4 yards of ribband att 8 ^d p yard, | 00 : 02 : 08 |
| Iŕ, 26 yards of ribband, att 4 ^d p yard, | 00 : 08 : 08 |
| Iŕ, a paire of stocken, | 00 : 03 : 00 |
| Iŕ, a green say apron and stringes. | |

Sixteen shillings and foure pence Gyles Rickard, Seni^r, demaunded as due from the abouesaid John Beasell to him, and was found to bee a just demaund for debt the said Beasell oweth him ; and Wiltam Hoskins standeth engaged to see him satisfied the said sume, and hath promised to pay it by John Barnes.

[*222.]

*Att this Court, Hester, the wife of John Rickard, for laciuiouse and vnaturall practices proued by a p^sentment, was sentanced to sit in the stockes during the pleasure of the Court, and to weare a paper on her hate, on which her facte was written in capitall letters, all the time shee was to sit in the stockes ; all which was p^formed.

Released, paying his fees.

Joseph Dunham, for diuers laciuiouse carriages, was sentanced by the Court to sitt in the stockes, with a paper on his hatt on which his fact was written in capitall letters, and likewise to find surties for his good behaiour.

| | |
|--|--------------|
| Joseph Dunham oweth vnto our so ^u lord the Kinge } ⁿ | 20 : 00 : 00 |
| the sume of | |
| John Dunham, Seni ^r , the sume of | 10 : 00 : 00 |
| Nathaneell Morton the sume of | 10 : 00 : 00 |

The condition, that if the said Joseph Dunham shalbee of good behaiour towards our so^u lord the Kinge and all his leich people, and appeer att the Generall Court to bee holden att Plymouth the first Tusday in June next, and not depart the said Court without lycence ; that then, &c.

It was ordered by the Court, that Mary, the wife of Edward Cobb, of Taunton, should bee sum^oned to appeer att the Court to bee holden att Plymouth the first Tusday in May next, to answare for her miscarriages, as appeers by a deposition giuen in to the grand enquest against Joseph Dunham.

**Att the Court of Assistants held att Plymouth the seauentn of
May, 1661.*

1661.

7 May.

[PRENCE,
GOU^R.

[*223.]

BEFORE Wiltam Colyare,

Thomas Southworth, and

John Alden,

Wiltam Bradford,

Josias Winslow,

Assistants, &c.

THOMAS BURGE, JUNI^R, of Sandwich, acknowledgeth to owe vnto our sofl lord the King the sume of an hundred pounds sterling, Thomas Burge, Sen^r, the sume of fifty pounds, and Esra Perrey the sume of fifty pounds. The condition, that if the aboue bounden Thomas Burge, Juni^r, shall and doe appeer att the Generall Court of our said sofl lord the King to bee holden att Plymouth aforsaid the first Tusday in June next, to answere for a fact of vncleanes committed by him, and in the interem not imbezell away his estate, and not depart the said Court without lycence; that then, &c.

These bonds
are with-
drawne.

Concerning the complaint of Wiltam Holmes, of Marshfeild, against Dinah Silvester, for acusing his wife to bee a witch, the Court haue sentenced, that the said Dinah Silvester shall either bee publicly whipt or pay the sume of five pounds to the said Wiltam Holmes; or incase shee, the said Dinah Silvester, shall make a publicke acknowledgment of her fault in the p^rmisses, that then shee shall beare onely the charge the plaintiffe hath bin att in the proccution of his said suite; the latter of which was chosen and done by the said Dinah Silvester, viz^s, a publicke acknowledgment, made as followeth:—

*May the 9th, 1661.

9 May.

To the honored Court assembled: Wheras I haue bin convicted in matter of defamation conserning Goodwife Holmes, I doe freely acknowledg I haue wronged my naighbour, and haue sined against God in soe doing; though I had entertained hard thoughts against the woman; for it had bine my dewty to declare my grounds, if I had any, vnto some majestrate in a way of God, and not to haue devoulged my thoughts to others, to the womans defamation. Therefore I doe acknowledg my sin in it, and doe humbly begg this honored Court to forgiue mee, and all other Christian people that bee offended att it, and doe promise, by the healp of God, to doe soe noe more; and although I doe not remember all that the witnesses doe testify, yett I doe rather mistrust my owne memory and submitt to the euidences.

[*224.]

The marke  of DINAH SILVESTER.

1661.

7 May.
PRENCE,
COURT.

Att this Court, Ann, the wife of Thomas Sauory, was presented before the Court to answere for being att home on the Lords day with Thomas Lucas att vnseasonable time, viz^o, in the time of publicke exercise in the worshipe of God, and for being found drunke att the same time vnder an hedge, in vnciuell and beastly manor, was sentanced by the Court as followeth, viz^o: for her accompanying of the said Lucas att an vnseasonable time as aforesaid, she was sentanced to sitt in the stockes during the pleasure of the Court, which accordingly was pformed and executed; and for her being found drunke as aforesaid, fined fiue shillings; and for prophaning the Lords day, fined ten shillinges, according to the lawes in such cases prouided.

Conserning Thomas Lucas his being found drunke att the same time aboue expressed, and therby, as alsoe otherwise, breakeing his bonds for the good behauior, it is refered to the next Court for further consideration.

[*225.] *It is ordered by the Court, that wheras Richard Child was required by an order of Court att ^, directed from the Court held att Plymouth the fift of March, 1660, to desist from erecting a cottage in the bounds of Yarmouth, which is contrary to a law established prohibiting the erecting of such like cottages, this Court, takeing notice that the said order is not by him attended, haue ordered that the said Richard Child bee forthwith arested, and by sufficient surties secured, soe as hee may bee forth coming att the Court to bee holden att Plymouth in June next, to answere for his contempt of the aforesaid order, and likewise in the mean time to desist from proceeding in the finishing of any such cottage now by him in building.

A writing or protestation appointed to bee recorded, as followeth:—

The occasion of our coming into this harbour of Plymouth is this: that by crosnes of wind and weather, wee haueing beat soe long to gett into Verginnia till all our victualls were soe neare spent that wee had not bin able to subsist had not wee mett with a shipp which spared vs a little victualls; soe after that wee beat soe longe till that victualls and our water was very neare spent, and still the winds kept contrary; and finding our selues soe fare to the eastward, and noe hope of giting into Verginnia, were in hope to gett to Monhatoes, but could not, and soe were forced to come to this place to recrute, the winds still hanging westerly; and soe doe intend, after wee haue taken in such nessesaries as wee want, to sett sayle, God willing, the first oppertunitie of wind and weather, for our intended port in Verginnia, according to the orders of M^r John Saffin.

This aboue written was attested vpon the oaths of John Watson, master,

Timothy Blayes, masters mate, and Arther Varname, carpenter, of the barque Tryall, in the Court held att Plymouth May the 8th, 1661.

1661.

7 May.
[*226.]

*Wiltam Randall was ordered by the Court to procure Leif Torrey forthwith to lay out the lands of the said Wiltam Randall according to his engagement, that soe others may not bee damnify by his neglect therof.

A note was giuen into this Court of the names of such of entertained forraigne Quakers att Sandwich.

Wiltam Allin entertained Christopher Holder.

Wiltam Newland entertained one forraigne Quaker.

Peter Gaunt entertained two forraigne Quakers.

Certaine psons of Sandwich, for refusing and neglecting to assist the marshall, Barlow, in the execution of his office, were fined as followeth:—

Joseph Chandeler ten shillings.

Richard Smith ten shillings.

Nathancell Fish five shillings.

Joseph Prior, for pilfering and stealing, in speciall for stealing of a paire of button moulds out of the house of M^r Thacher, of Waymouth, was sentenced to sit in the stockes during the pleasure of the Court; which accordingly was executed.

Ralph Smith, for lying in and about the neglect of his duty, about a warrant directed to him, and conserning the seeing or not seeing a whale, and other disorderly carriages tending to disturbance in the towne of Eastham, was fined twenty shillings.

*A Verdict of Jury ordered to bee recorded.

[*227.]

The 23^d of the 12th, 1660.

Psons nominated by the Constable.

M^r Joseph Pecke,

Wiltam Sabin,

Father Bowin,

Henry Smith,

Deacon Cooper,

Joseph Pecke,

Leiftenant Hunt,

John Perren,

John Read,

John Smith,

Robert Fuller,

Richard Bowin, Jun^r.

This jury haue heard what any pson or psons could euidence conserning Wiltam Day his being found in his masters barne dead; and they doe all with one voyce deliuer this in as theire verdict: that the forenamed Wiltam Day was a selfe murderer.

Attested vpon oath before mee, this 7th day of Aprill, 1661.

THOMAS WILLETT.

1661.

4 June.

[*228.]

**Att the Generall Court holden att Plymouth the fourth Day of
June, 1661.*

| | |
|-----------------------------|----------------------|
| BEFORE Thomas Prence, Goſſ, | Thomas Southworth, |
| Wiltam Collyare, | Wiltam Bradford, and |
| John Aldin, | Thomas Hinckley, |
| Josias Winslow, | |
| Assistants, &c. | |

M^R THOMAS PRENCE was chosen Goſſ, and sworne.

| | |
|--|---------------------------------------|
| Wiltam Collyare, | } were chosen Assistants, and sworne. |
| John Aldin, | |
| Thomas Willett, | |
| Josias Winslow, | |
| Thomas Southworth, | |
| Wiltam Bradford, and Thomas Hinckley, | |

Constant Southworth was chosen Treasurer, and sworne.

The names of the deputies of the severall townes that served att this Court are as followeth :—

| | |
|-------------------------------------|-------------------------------|
| M ^r John Howland, | M ^r Thomas Howes, |
| John Dunham, Seni ^r , | M ^r Edmond Hawes, |
| Ephraim Morton, | Henery Cobb, |
| Nathaneell Warren, | Nathaneell Bacon, |
| M ^r Constant Southworth, | M ^r Anthony Eames, |
| Wiltam Paybody, | Anthony Snow, |
| Leiftenant James Torrey, | Leiftenant Peter Hunt, |
| Cornett Studson, | Wiltam Sabin, |
| M ^r John Vincent, | Leiftenant John Freemar |
| Thomas Tupper, | Josias Cooke, |
| Leiftenant James Wyatt, | Wiltam Britt. |
| James Walker, | |

John Vincent
did not appeer,
and was fined
according to
order.

Leiftenant Southworth was approued and appointed by the Court to bee captaine of the milletary company of Plymouth.

*The Grand Enquest.

1661.

4 June.
PRENCE,
Gov^r.
[*229.]

| | | | | | |
|---------|---|--|--------------------|---|---------|
| sworne, | { | Daniell Cole, | William Crow, | } | sworne. |
| | | M ^r Josias Winslow, Seni ^r , | Francis Street, | | |
| | | Edward Jenkins, | Joseph Howes, | | |
| | | Robert Finney, | John Russell, | | |
| | | John Rogers, | Henry Bourne, | | |
| | | Gorge Patrich, | William Crocker, | | |
| | | Isaacke Chettenden, | John Fitch, | | |
| | | Francis Smith, | Samuell Carpenter, | | |
| | | Esra Perrey, | Samuell Tompkins, | | |
| | | Henry Saunders, | John Whilden, | | |

The Constables of the severall Townes.

| | |
|-----------------------|---------------------------------------|
| Plymouth, | William Harlow. |
| Duxburrow, | Henry Sampson. |
| Scittuate, | { Mathyas Briggs, Rodulphus Elmes. |
| Sandwich, | Benjamine Nye. |
| Taunton, | William Haruey. |
| Yarmouth, | Thomas Boardman. |
| Barnstable, | Trustrum Hull. |
| Marshfeild, | { John Rogers, John Caruer. |
| Rehoboth, | Thomas Cooper. |
| Eastham, | John Done, Juni ^r . |
| Bridgwater, | John Haward, Juni ^r . |

Surveyors of the Highwayes.

| | | |
|----------------------|---|---|
| Plymouth, | { | Robert Bartlett, |
| | | Andrew Ringe, John Dunham, Juni ^r . |
| Scittuate, | { | M ^r Joseph Tilden, |
| | | Humphrey Johnson. |

*The committee appointed to take the account of the Treasurer for the country were Major Winslow, Josias Cooke, Leiftenant Torrey, Nathaneell Bacon, and Nathancell Warren. [*230.]

The account is entered into the booke of the Treasurers accounts.

Libertie is graunted vnto Major Josias Winslow and others the first

1661.

4 June.
PRENCE,
Gov^r.

This was granted in answer to a petition preferred to the Court by some such as are heer expressed, whose names are extant in the said petition.

The names of these are extant in their petition preferred to the Court.

borne children of the jurisdiction of New Plymouth, in reference vnto an order or graunt of the Court bearing date 1633, to purchase certaine ꝑcells of land for their accomodation, viz^s, a ꝑcell next to the Massachusetts bounds, and another ꝑcell between Namassakett and Bridgwater, and to make report therof vnto the Court, that soe such may bee accomodated as aforesaid.

In answer to a petition preferred to the Court by sundry of the freemen of Taunton, the like libertie is graunted.

John Carye is admitted by the Court to haue equall enterest in the graunt made to Arther Harris, John Willis, and others, of Bridgwater, for accomodation of lands.

Wiltam Britt and Wiltam Paybody are appointed by the Court to run the line vpon the bounds of Taunton, that soe they may know their true bounds on the one side, which att ꝑsent they are vncertaine of.

Libertie is graunted vnto some whoe were formerly servants, whoe haue land due vnto them by couenant, to nominate some ꝑsons to the Court or to some of the majestrates, to bee deputed in their behalfe to purchase a ꝑcell of land for their accomodations att Saconett.

‡The Court haue ordered, that M^r Thomas Hinckley, Richard Bourne, and Nathaneell Bacon shall purchase all such lands as are yett vnpurchasett att Saconesett and places adjacent, or any in those ꝑtes out of the bounds of Barnstable or Sandwich vnpurchased and not yet disposed of to any, that, according to a former graunte, the said M^r Hinckley and Nathaneell Bacon may bee accomodated with lands there, and such others as haue petitioned the Court for accomodation there, viz^s, John Morton, John Finney, Thomas Burman of Barnestable, and John Dunham, Jun^r.‡

[*231.]

*Wheras att the Court held att Plymouth in March the fift, 1660, libertie was giuen vnto M^r John Howland, Anthony Annable, Isacke Robinson, Cap^t Nathaneell Thomas, Samuell Fuller, Abraham Peirse, and Peter Blossome, to purchase lands att Saconesett and places adjacent, on condition they should take in sundry others with them, to haue equall interest in the said lands, and to beare equall charges with them about it, viz^s: M^r Samuell Hinckley, Leiftenant Mathew Fuller, John Cooper, Henery Cobb, John Jenkins, and Samuell Fuller, of Plymouth; this Generall Court doth establish and further conferme that which the Court held in March did in the ꝑmises; likewise Wiltam Nelson was ordered to bee entered to haue a halfe share of the abouesaid accomodations with the said purchasers, hee bearing a proportionable ꝑte of the charge.

Leiftenant Fuller and Wiltam Nelson their names were entered according to order this Court.

The Court haue ordered, that M^r Thomas Hinckley, Richard Bourne,

and Nathaneell Bacon shall purchase all the land that they can of the Indians in those p̄tes towards Saconesett not intrenching vpon the purchasers graunt att Saconesett aforesaid; that M^r Thomas Hinckley and Nathaneell Bacon may haue their accomodations according to the Courts order and graunt, and such others as the Court shall see meet, some haueing alreddy petitioned the Court for lands there, viz^t, John Morton, John Finney, Thomas Burman, of Barnstable, and John Dunham, Juni^r.

1661.

4 June.
PRENCE,
Gou^r.

Liberty is graunted by the Court vnto M^r Thomas Prence to purchase a p̄cell of land att Satucket, in reference vnto his mill there and vnto some other lands hee hath there.

It is ordered by the Court, that those that were formerly appointed by the Court to settle the bounds betwixt M^r Bournes land and Anthony Snoces land shall alsoe settle the outward bounds therof.

Att this Court, M^r Anthony Eames acknowledged before the Court that his sone, Justice Eames, hath receiued the sume of thirteen pounds six shillings and eight pence of Thomas Doged, of Marshfield, in full of his wife's portion.

M^r Aldin is appointed by the Court to purchase some accomodations of lands of the Indians att Mannomett for the supply of M^r Josias Standish, incase the said Josias liketh the land when hee seeth

*June 7, 1661. Whereas there hath bine diuers differences betwixt Margaret Hickes, widdow, and Samuell Hickes, her son, arising about the last will of Robert Hickes, as alsoe about certaine goods and chattles of Ephraim Hickes the younger, son of the said Robert Hickes and Margaret Hickes; and vpon debateing of the same, it is this p̄sent day concluded, by a joynt agreement betwixt them both, that Samuell Hickes shall pay his mother the sume of ten pounds, the one halfe therof att or before the first day of December next after the date heerof, and the other halfe in October, 1662, which sume shee doth acknowledge shalbee in full satisfaction of all differences whatsoever, and doth acquitt the said Samuell of all thinges whatsoever that did or might any way arise by reason of the said estate, as alsoe for all other matters whatsoever from the begiining of the world vnto this day, the wine-scott bedsted and the table in the hall to remaine to the house as now it stands; and Samuell Hickes doth promise, that incase hee doth remoue from Plymouth, that hee will not put any into the house that shalbee injurious or offenciue to his mother; neither will hee molest or trouble any by reason of any p̄sent estate his mother is now possessed of, the house remaining to him

[*232.]

7 June.

1661. att his decease. Witnes our hands to this our joynt agreement, the seauenth day of June, in the yeare 1661.

7 June.
PRENCE,
Gov^r.

MARGARETT HICKES,
SAMUELL HICKES.

Witnes.

John Browne,
The marke *M* of Manasses Kemton,
Ephraim Morton.

10th June.

The 10th of June, 1661. Forasmuch as the abouemensioned writing was desired to bee recorded, and vpon review therof is found not full for the ends intended on both parties, viz^o, the concluding of all differences between the abouesaid Margarett Hickes and Samuell Hickes that had bin about the estate therin specified, the said Samuell Hickes, being sent for by the Court, did in the Court freely declare that what was short in the aboue entered writing and agreement on his part, hee now engaged, and doth by these p^sents acquitt his mother, Mistris Margarett Hickes, and all conserved on her part, as fully as by the said writing his mother had acquitted him on his p^te; that soe heerby there is a full and finall end of all differences betwixt the said p^ties and all others any way conserved therin, from the begiⁿing of the world to this day, being the 10th of June, 1661, and for the future foreuer not meddleing with the purchase land.

The neighborhood of Sowamsett is ordered to pay a rate of fifty shillings for the publicke charges of the countrey, and that twenty shillings wherof to bee allowed for the easing of Sandwich rates.

And vnto the towne of Rehoboth twenty shilling for the easing of their rates.

[*233.]

*The Court haue accomodated our honored Gov^r with the sume of twenty pounds, to bee aded to the ten pounds which is annually assigned vnto him; which said sume of twenty pounds wee dispose vnto him as a smale gratnitie for this following yeare, to bee payed out of the treasury.

It is ordered by the Court, that a speciall warrant shalbee directed to the constable of Taunton, to attach the p^sons or estates of such as shall come vp Taunton Riuer to fetch away the timber or woods to convey it out of the gov^rment, and that the like power shalbee giuen to any other, as occation shalbee, by warrant to arrest any such, their p^sons or goods, that shall soe transgresse, that soe they may bee bound ouer to answare the same att the following Court; and that the like course bee alsoe taken with all such as shall come into the gov^rment, and hier or buy lands of the Indians without order.

1661.

10 June.
PRESENCE,
Gov^r.

Mr John Howland, Nathaneell Warren, and Benjamine Bartlett are appointed by the Court to procure a workman or workemen to view and serch the bridge att Joanses Riuer; and whatsoever shalbee found nessesary to bee done about the repairing therof, they haue power to agree with workmen to doe it, and to bee payed by the countrey.

It is ordered by the Court, that the sume of fourscore pounds bee raised and leuied by rates on the seuerall townes of this jurisdiction, according to theire proportions, towards the charge of the comissioners att their next meeting att Plymouth, twenty and fiue pounds therof to bee payed in money by the fifteenth day of July next, and the remainder therof to bee payed by the last of October next, the one halfe therof in wheate, and the other halfe in pease, or barley, or porke, att prise current, and to bee deliuered att Boston.

| | The Proportions of the | u | s | d |
|-------------|------------------------|---|----|----|
| Plymouth, | | 2 | 6 | 3 |
| Duxborrow, | | 2 | 2 | 1 |
| Scittuate, | | 3 | 15 | 7½ |
| Sandwich, | | 2 | 14 | 7 |
| Taunton, | | 2 | 02 | 01 |
| Yarmouth, | | 2 | 2 | 1 |
| Barnstable, | | 2 | 6 | 3 |
| Marshfeild, | | 2 | 2 | 1 |
| Rehoboth, | | 3 | 15 | 7½ |
| Eastham, | | 1 | 14 | 0 |

*It is ordered by the Court, that the ward of Rehoboth shall extend vnto Sowamsett and vnto all the naighbors there inhabiting as to the constable of Rehoboth his execution of his office, as ocation shall require; which hee is required by this order to doe and pforme as well there as in any other pte of that constablericke.

[*234.]

Liberty is graunted by the Court vnto Gyles Rickard, Seni^r, to keep an ordinary for the entertainment of strangers, with the like liberties as others haue in that behalfe.

The ordinary keepers of the towne of Plymouth are heerby prohibited to lett John Barnes haue any liquors, wine, or strong drinke, att any time, within dores or without, on the penaltie of being fined fifty shillings if they shalbee found soe to doe, to bee leuied to the vse of the collonie.

It is ordered by the Court, that the Treasurer shall repay a barrell of powder to the towne of Plymouth, to make good that which was spent att the proclamation and att other times.

1661.

10 June.
PRENCE,
Gov^r.

Vpon the complaint of Wiltam Hiferney, Irish man, seruant to John Hollot of Scittuate, that hee is bound to his said master the tearme of twelue yeares, haucing bin stolen away out of his owne cuntry, and engaging to soe long a time when hee was vnaquainted with the English tongue, the Court, haucing heard what the said master and seruant could say in the p̄mises, haue p̄swaded the said John Hollett, and hee by these p̄sents hath engaged to the Court, that if his said seruant shall and doe p̄forme vnto him faithfull seruice, and carry himselfe otherwise as hee ought to doe, that hee doth and will remitt two yeares of the time of his seruice, and likewise will p̄forme the conditions of his indenture to and with his said seruant.

Concerning a complaint made by some of Yarmouth against Richard Childs, that hee hath erected a cottage within the liberties of the towne, contrary to order of Court, the said Childs haucing put in securitie to saue harmles the towne of Yarmouth from all charge that may arise by the children hee now hath, the Court haue p̄mitted the said Childs to enjoy his building or cottage in the place foremencioned.

Libertie is graunted vnto Daniell Cole to drawe and sell stronge waters and wine att Eastham, provided that hee bee alwaies furnished with good wine for the supply of those that are in need amongst them.

[*235.]

*M^r Henery Hobson, of Road Iland, acknowledgeth to }ⁱⁱ
owe vnto our soū lord King Charles the sume of . . . } 40 : 00 : 00

The condition, that if the said Henery Hobson shall and doe appeer att the Court to bee holden att Plymouth the first Tuesday in October next, to answare for his division of authoritie in counterfeiting the solemnising of the marriage of Robert Whetcombe and Mary Cudworth, and not depart the said Court without lycence ; that then, &c.

Memorand: that Robert Whetcomb & his wife, Robert Able and his wife, and Ezekiell Mayne be summoned to the said Court to giue euidence about the abouesaid fact.

Thomas Joanes, of Taunton, acknowledgeth to owe }
vnto our soū lord the King the sume of } 10 : 00 : 00

And James Walker the sume of 05 : 00 : 00

The condition, that if the said Thomas Joanes shalbee of good behavior towards our soū lord the King and all his leich peopell, especially in regard of imoderate drinking, and appeer att the Court to bee holden att Plymouth the first Tuesday in October next, and not depart the s̄d Court without lycence ; that then, &c.

Fine.

Thomas Lucas, haucing forfeited his bonds for the good behavior, which

said forfeiture was the summe of twenty pounds, the Court, vpon some considerations, haue remited the summe of ten pounds therof.

Fine. Lodowicke Hawkes, for refusing to aide the marshall Barlow in the execution of his office, is fined twenty shillings.

John Washburne, Junir, for turbulent carriages towards the marshall Nash in the execution of his office, fined ten shillings.

Samucl Jackson, for being drunke, fined fiue shillings, and for neglecting to appeer att Court, being summoned, fined the summe of ten shillings.

*Thomas Burge, Junir, being bound ouer to the Court to answare for an act of vncleanes committed by him with Lydia Gaunt, hee was sentanced, according to the law, to bee seuerly whipt, which accordingly was enlicted whiles this Court was in being, and a 2^{ond} time to bee whipt att Sandwich, att the discretion of Mr Hinckley, on the first Munday in July next after the date heerof; and as conserning the capitall letters to bee worne according to the law, it is for the present respited vntill the Court shall descerne beter of his future walkinge.

And wheras Elizabeth, the late wife of the said Thomas Burge, did vrgently sollicite the Court for a diuorse, the said Thomas Burge manifesting litle dislike therof, and some of their relations concurring therein, the Court, considering the nature of the fact, together with the particulars mencioned, did see cause to graunt the said Elizabeth her desire, and therefore doe heerby declare, that henceforth they, the said Thomas and Elizabeth, are not to bee reputed husband and wife each to other, but are cleared of their marriage bond, and are fully and clearly divorced; furthermore, the Court doth allow and determine, that the said Elizabeth, the late wife of the said Thomas Burge, shall haue and enjoy one pte of three of all his estate, viz^s, lands, goods, and chattles, as her proper right foreuer; as alsoe, the said Thomas Burge consenting therunto, att the same time the Court did allow her an old cotten bed and bolster, a pillow, a sheet, and two blanketts, that were with the paire of sheets, with some other smale things that are in Wilham Bassetts hands, to the vallue of forty shillings.

Att this Court, John Allin, of Rehoboth, came into the Court, and enformed conserning his proceedings about his late deceased brother, Robert Allin, whoe was found dead in his house on his bed, saying, in regard of the distance of place from any majestrate, hee was constreynd to bury him; notwithstanding, hee procured twelue men to view the corpes, who are to haue an oath giuen them by Mr Pecke to giue in a true verdict of the death of the said Robert Allin. There names are as followeth:—

1661.

10 June.
PRENCE,
Gov^r.

[*236.]

1661.

10 June.
PRENCE,
GOU^r.

John Allin
saith that his
brother Robert
told him that
hee hath three
cows, and two
young steers,
and three
young calves
att Sandwich.

Mr Steuen Paine, Seni^r,
Leiftenant Peter Hunt,
Wiltam Sabin,
John Browue, Juni^r,
James Browne,
John Read,

Richard Bullocke,
Robert Wheten,
Robert Abell,
Joseph Carpenter,
Roger Annadowne,
Richard Whittacare.

[*237.]

*A judgment was graunted vnto Robert Marshall for the sume of seauen pounds three shillings and nine pence, to bee payed in money vpon the balence of an account, besides the charges about the attachment and keeping of a horse attached by the said Robert Marshall, vpon the aforesaid complaint against Thomas Sowell, w^{ch} said charges amount vnto twelue shillings for the keeping of the horse, and eight shillings and six pence for the fetching and procuring of the attachment; the said horse was deliuered vnto the said Robert Marshall, as hee was prised, att nine ponds and fiue shillings, wherof the said Marshall is to bee satisfied the abouesaid sume in money and charges, and the ouerpluse to bee returned vnto the said Sowell. The sume of eight shillings was attached in the said Robert Marshalls hand for the satisfying of the constable of Taunton for the time the said horse went in his pasture.

Vpon the complaint made by some, that certaine horses or horse kind, belonging to Road Iland, are found goeing within our liberties on Cawsumsett Necke, neare Sowamsett, to the great annoyance of the Indians and English there, this Court ordereth, that all such horses as shalbee found soe goeing shalbee accounted straves, and that some course bee taken for the takeing of them vp, according to order of Court in that case provided.

It is ordered by the Court, that such farmes as are or shalbee rated, in case they shall refuse or neglect to pay their rates in seasonable time, that then the cheife marshall shalbee sent to destreine for it; and what charges shall arise about the same, the owners of the said farmes shall pay it.

Fine.

Gyles Rickard, Seni^r, for suffering men to drinke drinke in his house, fined ten shillings; and for suffering men to drinke in his house, contrary to speciall order of Court, fined ten shillings.

Fine.

John Moses, for beeing drinke the 2^{ound} time, fined ten shills.

Edward Holman, being convicted of drunkenes the 2^{ound} time, fined ten shillings.

[*238.]

*The Court haue ordered and appointed Mr Thomas Hinckley to see the Courts order executed on Thomas Burge, Juni^r, of Sandwich, viz^d, to bee publickly whipt, att the discretion of the said Mr Hinckley, for the fact of vneleanes the said Burge committed with Lydia Gaunt, of Sandwich aforesaid;

this to bee executed att Sandwich with all convenient speed, according to the law in that case prouided.

1661.

23 July.
PRENCE,
Gou^r.

[*239.]

*Wee, whose names are vnderwritten, being summoned by M^r John Aldin, Assistant, the 23^d of this instant July, to enquire concerning the suddaine death of John Bond, of Plymouth, seruant to Gorge Watson, doe find as followeth, viz^s, that the said John Bond, the day aboue mencioned, coming home with his said master with a load of wood, well and in health for ought wee know or can find, the said Bond went to vnload the cart, and someway touching the mare that drew the cart, shee ran away with him on the cart, and that hee leaped of from the cart before the wheele, and soe the cart ran ouer him, and wee judge that soe hee came by his death; and for the truth of this our verdict wee haue heervnto subscribed our hands.

JOHN MOSES,
THOMAS BONNEY,
FRANCIS BILLINGTON,
ARTHER VERNAM,
JOHN EEDEY,
THOMAS LUCAS,
JOHN DUNHAM,
GABRIELL FALLOWELL,
SAMUELL HICKES,
JOHN WOOD,
HENERY WOOD,
RICHARD WRIGHT.

[The following entries are recorded out of place on the back of page 239.]

1656. March the fift.

Willam Randall, for his affronting the custable of Scittuate in the execution of his office, and for speaking opprobriously of the Lord Protector, is fined forty shillings, and to make a publicke acknowledgment of his fault in speaking such words before the Court; which hee p^sently did.

March, 1656. Willam Hailstone is, according to order, fined the sume of twenty shilling for telling two lyes in a petition prefered to the Court June, 1656.

March, 1656. Willam Allin, for refusing to serue on the grand enquest, is fined, according to order, twenty shillings.

October the sixt, 1657. Wiltam Newland, for refusing to serue on a jury, fined ten shillings; and pmitting a meeting in his house contrary to order of Court, fined other ten shillings, according to the said order.

October the sixt, 1657. Ralph Joanes, for neglecting to frequent the publick worship of God, is fined ten shillings, according to order.

February the 2^{cond}, 1657. Edw̄ Holman, for entertaining John Wade, seruant to John Barnes, &c, is fined 10^s to the vse of the collonie.

March 2^{cond}, 1657.

See the causes
in orders and
passages of the
said Court.

Arther Howland fined nine pound.

Ralph Allin, Juni^r, Peter Gaunt, Daniell Wing, and Wiltam Allin fined
twenty shillings a peece.

John Barnes fined five pound.

Henery Howland ten shillings.

Edward Holman ten shillings.

Robert Crosman five shillings.

Gowin White, for telling a lye, fined ten shillings.

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GENERAL INDEX.

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RECORDS
OF
PLYMOUTH COLONY.
COURT ORDERS.
VOL. IV.
1661—1668.

RECORDS
OF THE
COLONY
OF
NEW PLYMOUTH
IN
NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE OF THE
COMMONWEALTH OF MASSACHUSETTS.

EDITED BY

NATHANIEL B. SHURTLEFF, M.D.,

MEMBER OF THE MASSACHUSETTS HISTORICAL SOCIETY, FELLOW OF THE AMERICAN ACADEMY OF ARTS
AND SCIENCES, MEMBER OF THE AMERICAN ANTIQUARIAN SOCIETY, FELLOW
OF THE SOCIETY OF ANTIQUARIES OF LONDON, ETC.

COURT ORDERS:

VOL. IV.

1661—1668.



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REMARKS.

THE manuscript of the fourth volume of Court Orders of the Colony of New Plymouth, from which the following pages are printed, is entirely in the well-known chirography of Mr. Nathaniel Morton, the faithful secretary of the colony. It was intended for the records of the General Court and the Court of Assistants, but, like the other volumes, likewise contains several miscellaneous entries. It embraces a period of seven years, during the whole of which time Mr. Thomas Prence was Governor of the colony.

The first entry is that of the confirmation of a grant of land on the fourth of June, 1661; but the first proceedings recorded were those of the General Court held on the first day of October next following, and the last in the volume bears date the seventh of July, 1668.

N. B. S.

DECEMBER, 1855.

MARKS AND CONTRACTIONS.

A Dash - (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line ~ indicates the omission of one or more letters next to the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret ^ indicates an omission in the original record.

A Cross × indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, [].

Some redundancies in the original record are printed in *Italics*.

Some interlineations, that occur in the original record, are put between parallels, || ||.

Some words and paragraphs, which have been cancelled in the original record, are put between † †.

Several characters have special significations, namely:—

@, — annum, anno.
 ā, — an, am, — curiā, curiam.
 ā, — mātrate, magistrate.
 b, — ber, — num̄b, number; Rob̄t, Robert.
 c̄, — ci, ti, — ac̄c̄on, action.
 c̄ō, — tio, — jurisdic̄c̄ōn, jurisdiction.
 c̄, — cre, cer, — ac̄s, acres.
 d̄, — d̄d̄, delivered.
 ē, — Trēr, Treasurer.
 ē, — committē, committee.
 ḡ, — ḡn̄d, general; Geor̄g, George.
 h, — chr, charter.
 ī, — beḡīg, begin̄īg, beginning.
 l̄, — l̄re, letter.
 m̄, — mm, mn, — com̄it̄tee, committee.
 m̄, — recōm̄idac̄c̄ōn, recommendation.
 m̄, — mer, — for̄m̄ly, formerly.
 m̄, — month.
 n̄, — nn, — Peñ, Penn; āno, anno.
 ñ, — Dñi, Domini.
 n̄, — ner, — man̄n̄, manner.
 ò, — on, — mentiō, mention.

õ, — m̄õ, month.
 p̄, — par, por, — p̄t, part; p̄tion, portion.
 p, — per, — p̄son, person.
 p, — pro, — p̄porc̄ōn, proportion.
 p̄, — pre, — p̄sent, present.
 q, — q̄stion, question.
 q̄, — esq̄, esquire.
 r̄, — Ap̄r, April.
 s̄, — s̄, session; s̄d, said.
 s̄, — ser, — s̄vants, servants.
 l̄, — ter, — neūt, neuter.
 t̄, — cap̄t̄, captain.
 ū, — uer, — sēñal, seueral.
 ū, — aboū, aboue, above.
 v̄, — ver, — sēval, several.
 w̄, — w̄n, when.
 y^e, the; y^m, them; yⁿ, then; y^t, their; y^s, this; y^t, that.
 z, — us, — vilib̄, vilibus.
 c̄, — es, et, — statut̄c̄, statutes.
 c̄c̄, &c̄, &c̄, — et c̄c̄tera.
 viz̄, — videlicet, namely.
 / — full point.

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PLYMOUTH COURT ORDERS.

1661—1668.

PLYMOUTH RECORDS.

THE RECORDS OF THE COLONY OF NEW PLYMOUTH IN NEW ENGLAND.

[The fourth volume of the Court Orders of the Plymouth Colony commences here, with the record of a confirmation of a grant of land made on the fourth of June, 1661. The original manuscript volume contains the acts of the several General Courts and Courts of Assistants, together with other miscellaneous entries, from the above-mentioned date until the close of the Court held on the seventh of July, 1668. It is in the handwriting of Mr. Nathaniel Morton, secretary of the colony. The original index to this volume, being very imperfect, is, as in the case of the preceding volumes, incorporated with that specially prepared for the printed copy.]

ACTS AND PASSAGES OF COURT AND GRANTS OF LAND FROM THE YEAR 1661 UNTIL THE YEAR 1668.

PRENCE, Gou^r.

* **A**T T the Generall Court held att Plymouth, in New England, the fourth of June, 1661, the said Court graunted vnto Richard Bourne, of Sandwich, a certaine tract of land lying on the western side of Pampaspised Riuer, where Sandwich man take alewiues; the land is a longe stripp lying by the riuer side, for breadth form the riuer vnto the topp of the hill or ridge that runs alonge the length of it, from a point of rocky land by a swamp called by the name of Panetoopauksett vnto a place called by the English Muddy Hole, but by the Indians Wapoompauksett; the meddow is that which was called M^r Leuerich his meddow, as alsoe the other stippes that are aboue alonge the riuer side vnto a point bounded with two great stones or rockes; alsoe, all the meddow lying on the easterly s[ide] of the said riuer vnto Thomas Burge, Seni^r, his farme; all which traets and p̄cells of land, both vpland and meddow, with all and singulare the appurtenances belonging thervnto, is graunted [by] the Court vnto the said Richard Bourne, to him and his heires forever. Morouer, the Court haue graunted vnto the said Richard Bourne that hee shall haue yearly libertie to take twelue thousand of alewiues att the riuer where Sandwich men vsually take alewiues, him and his heires for cuer.

1661.

4 June.

[* 1.]

This order & grant is recorded more fully in the next Book of Grants, p. 1.

1661.

4 June.
PRENCE,
Gov^r.

Interlined.

Likewise, the said Court haue graunted vnto Richard Bourne a pcell of meddow lying att Mashpe, the one halfe therof to belonge to him and his heires for euer, and the other halfe to [be] made vse of and improued by the said Richard Bourne vntill the Court shall see reason otherwise to order. Moroouer, the Court haue graunted vnto the said Richard Bourne a necke of meddow, ||this meddow lying betwixt two little brookes & the meddow adjoyning to the vpl[and],|| with a little vpland in it att Mannamuchcoy, called by the Ind[ians] Auntaanta, the said pmisses, with all and singulare the appurtenances belonging therunto, excepting the one halfe of the meddow x Mashpe aboue mencioned, to haue and to hold vnto the said Richard Bourne, to him and his heires for euer.

That aboue enterlined was soe done att the Court held att Plymouth the fift of March, 1661, by order and with the consent of the Court.

1 October.
[*2.]

**.Att the Generall Court holden att Plymouth the first of October, 1661.*

BEFORE Thomas Prence, Gov^r, Thomas Southworth,
 Willam Collyare, Willam Bradford, and
 John Aldin, Thomas Hineckley,
 Josias Winslow,

Assistants, &c.

THE Court haue graunted and confeirmed vnto M^r Josias Standish a tract of vpland lying on that side of Mannomett Riuer next vnto Sandwich, the bounds of which is from the lands of Esra Perr[y] vnto a little creeke alongst the riuer for the length, and for the bredth vnto the topp of the hills which lye in a ridg with twenty acres of meddow of that which was lately purchased by M^r Aldin, to bee taken together where hee will within the said meddow; the said lands, both vpland and meddow, with all and singulare the appurtenances appertaining therevnto, to belong to him, the said Josias Standish, to him and his heires and assignes for euer.

M^r John Aldin is appointed by the Court to lay out the aboue twenty acres of meddow to Josias Standish, and to bring report vnto the Court of what remaineth there vndisposed of.

In answare vnto a petition prefered to the Court by Jone, the wife of Obadiah Miller, requesting that shee may haue libertie to make sale of some

1661.

1 October.
PRENCE,
Gov^r.

of the land that her deceased husband left vndisposed of, the Court, haueing considered that her request is in the behalfe of her daughter, whoe shee saith is weake and stands in need therof, do giue libertie that one quarter pte of the said land, and of what is left by her said deceased husband, may bee sold for the releife of her said daughter; and what it shalbee sold for shalbee carfully disposed of to the vse of Bathshebah Coggen, att the deseretion of Richard W x and Walter Deane, of Taunton, and the resedue of the said lands, &c, bee reserued by them for the vse of the rest of the children of the deceased Thomas Coggen, prouided that the said Jone Miller doe put in sufficient securitie that the said estate shalbee soe disposed of.

The Court haue graunted vnto the ancient freemen of Taunton, that incase any land can bee found on the north side of Taunton bounds, towards Secounke cartway, which will not fall within any lands alreddy put in for by the children of the first comers, that they may make report therof to the Court; and a competency shalbee graunted vnto them, if the Court shall see reason.

James Walker desireth acomodation of lands vpon the west side of Taunton Riuer, att the southermost bounds, neare about Seketegansett.

Att this Court, Leiftenant Rogers was freed of his milletary office, from being leiftenant of the milletary companie of Eastham.

Att this Court, adminnestration was graunted vnto Samuell House, Junir, and Elizabeth House, the sone and daughter of Samuell House, deceased, to adminnester on the estate of the said Samuell, Senir, deceased.

*Att this Court, John Palmer, Senir, for deludeing one of the ma- [*3.]
jestrates about the publication of his sons marriage, was fined forty shil- Fine.
lings.

Zoeth Howland, for breakeing the Sabbath, fined ten shillings. Fine.

Thomas Lenard, for breaking the peace, fined 00 03^s 04^d. Fine.

The rates to bee leuied by the townshipes of this goufment for the pub-
licke charges of the countrey, as they were ordered by the Court for this
yeare, respecting the officers wages and the charge of the majestrates table, is
as followeth:—

| | |
|-----------------------|--------------|
| Plymouth, | 06 : 00 : 00 |
| Duxburrow, | 03 : 13 : 00 |
| Scittuate, | 09 : 16 : 08 |
| Sandwich, | 05 : 09 : 06 |
| Taunton, | 05 : 09 : 06 |
| Barnstable, | 06 : 00 : 00 |

1661.

1 October.
PRENCE,
Gov^r.

| | |
|--|--------------|
| Yarmouth, | 05 : 09 : 06 |
| Marshfeild, | 05 : 09 : 06 |
| Rehoboth, | 08 : 04 : 02 |
| Eastham, | 03 : 18 : 00 |
| Bridgewater, | 01 : 16 : 06 |
| Sowams, | 04 : 01 : 03 |
| Cushenag, | 01 : 10 : 00 |
| The farmes against Road Iland, | 01 : 00 : 00 |

Wheras very great spoyle hath lately bin made by woulnes vpon all sorts of cattle in sundry townshipes within this goiment, to the great detriment therof, this Court, therefore, presumcing on the Generall Court of Deputies faorable sence heerof in this exeigent, doe order and declare, that it shall and may bee lawfull, vntill the next Court of Election, for the seuerall townshipes to pay vnto any Indian or Indians that shall bringe into the constable of any such townshipe any head or heads of woulnes halfe a pound of powder and two pound of shott or lead for euery head brought in as aforesaid, besides the coate by Court order in such case prouided.

Att the Generall Court held the 10th of June, 1662, the deputies did vnanimously consent vnto the abouesaid liberty, that it shall continew vntill the Court shall see reason to order otherwise.

[*4.] *A proposition ordered to bee recorded, which was sent vnto the four townes, viz^d, Sandwich, Yarmouth, Barnstable, and Eastham, by order of the Court held att Plymouth October the first, 1661, as followeth, signed by Constant Southworth, Treasurer : —

Loucing Frinds : Wheras the Generall Court was pleased to make some propositions to you respecting the drift fish or whales ; and incase you should refuse theire proffer, they impowered mee, though vnfitt, to farme out what should belonge vnto them on that account ; and secing the time is expired, and it fales into my hands to dispose of, I doe therefore, with the advise of the Court, in answare to your remonstrance, say, that if you will duely and trewly pay to the countrey for euery whale that shall come one hogshhead of oyle att Boston, where I shall appoint, and that current and marchantable, without any charge or trouble to the countrey, — I say, for peace and quietnes sake you shall haue it for this present season, leauing you and the Election Court to settle it soe as it may bee to satisfaction on both sides ; and incase you accept not of this tender, to send it within fourteen dayes after the date

heerof; and if I heare not from you, I shall take it for graunted that you will accept of it, and shall expect the accomplishment of the same.

1661.

Yourers to vse,

1 October.
PRENCE,
Gov^r.

CONSTANT SOUTHWORTH, Treasu.

Thomas Bonny oweth our so^u lord the Kinge the } ^{ll} ^s ^d
su^me of } 20 : 00 : 00

The condition, that if the said Thomas Bonny shall and doe appeer att the Court to bee holden att Plymouth the first Tusday in March next, to answare the complaint of Christopher Wadsworth about wounding of a mare, and not depart the said Court without lycence; that then, &c. Released.

*Plymouth, x uary the 10th, 1661. Henery Saunders } ^{ll}
acknowledgeth to owe vnto our sou^r lord the King } 20 : 00 : 00
the sum of }

[*5.]

The condition, that if Anna Bessey shall and doe appeer att the Court to bee holden att Plymouth the first Tusday in March next, to answare for her vnaturall and crewell carriages towards Gorge Barlow, her father in law, and not depart the said Court without lycence; that then, &c. Released.

Dorcas Bessey oweth our so^u lord the Kinge the su^me of 10 : 00 : 00.

The condition, that if Mary Bessey shall and doe appeer att the Generall Court to bee holden att Plymouth the first Tusday in March next, to answare for her vnaturall and crewell carriages towards Gorg Barlow, her father in law, and not depart the said Court without lycence; that then, &c. Released.

Mary Bessey oweth our so^u lord the Kinge the su^me of 20 : 00 : 00

The condition, that if Dorcas Bessey shall and doe appeer att the Generall Court to bee holden att Plymouth the first Tusday in March next, to answare for her vnaturall and crewell carriages towards Gorge Barlow, her father in law, and not depart the said Court without lycence; that then, &c. Released.

An Acknowledgment appointed to bee recorded.

October the 1, 1661. Wheras I, Abraham Peirce, Juni^r, haue follishly and vnadvisedly reported to Ruth Sprague and Bethyah Tubbs, att the house of Francis Sprague, that Rebeckah Alden and Hester Delanoy were withchild, and that thervpon wee should haue young troopers within three quarters of a yeare, I doe freely and from my hart owne my fault heerin, and am hartily sorry that I haue so spooken, to thaire great reproch and wronge and the defamation of thaire relations, which I earnestly desire may bee passed by of them all; and I hope I shall for euer heerafter take heed what I doe speake and report of any att any time.

1661-2.

4 March.

PRENCE,
Gov^r.

[*6.]

**Att the Generall Court holden att Plymouth the 4th of March,
1661.*

| | |
|---|----------------------|
| BEFOR Thomas Prence, Gou ^r , | Thomas Southworth, |
| Wilkam Collyare, | Wilkam Bradford, and |
| John Alden, | Thomas Hinckley, |
| Thō Willett, | |
| Assistants, &c. | |

M^R THOMAS PRENCE is authorised by the Court to giue an oath to Hannah, the wife of the late deceased Nathaniell Mayo, att Eastham, for the truth of the inventory of the estate of the said Nathaniell Mayo.

The like to Captaine Thomas Willett, for the truth of the will and inventory of the widdow Martine, of Rehoboth.

Letters of adminnistratiō is graunted vnto Hannah, the wife of the said Nathaniell Mayo, deceased, to adminnister vpon his estate, &c.

The like was graunted vnto Faith Clarke, widdow, to adminnister on the estate of Thirston Clarke, deceased.

Major Josias Winslow, Captaine Wilkam Bradford, and Anthony Snow are deputed by the Court to settle the bounds between the lands graunted to Duxburren men, bearing date August the last, 1640, and a tract of land graunted to Scittuate men bearing date in Nouember following, and that they doe it with all convenient speed, and make report therof vnto the Court.

Concerning a controuersy betwixt James Leonard and James Bell, both of Taunton, the Court haue ordered and deputed Captaine Willett to heare and determine the same.

Likewise the said Cap^t Willett is deputed by the Court to take course with such as entrench vpon our lands att Taunton Riuer, and take the wood or timber from of the same, and for that end may employ one as a constable by warrant or otherwise to act as occasion shall require about the same.

Likewise, that incase the squa sachem should bee put of her ground by Talmud, to see that shee bee not wronged in that behalfe.

And likewise to speake to Wamsitta about his estranging land, and not selling it to our collonie.

And likewise to see justice don on Marda his seruant, for fornication the second time.

[*7.]

*Concerning a difference betwixt Quachattasett and Josias, of Nausett, Indian sachems, the Court haue orde^r M^r Aldin and M^r Hinckley to heare and determine the same.

Concerning a controversy betwixt Jone Tilson, widdow, and John Barnes, 1661-2.
 about the prise of a cow by him receiued in p̄te of the pay due for the land
 att Lakenham, the Court haue ordered, that John Barnes shall repay or dis-
 count the sūme of twelue shillings vnto the said widdow Tilson; and soe the
 matter is ended.

4 March.
 [PRENCE,
 GOVERNOR.]

Cap̄t Willett is deputed by the Court to take course that a due enquiry
 bee made concerning the violent death of Robert Allin att Rehoboth.

Att this Court, Wiltam Bassett, of Sandwich, surrendered vp his libertie,
 graunted him formerly by the Court, to draw and sell wine, stronge waters,
 and beer, and of prouiding other nessesaries for the entertaining of strangers.

Wiltam Randall, for telling of a lye, fined ten shillings.

Fine.

Wheras Robert Whetcombe and Mary Cudworth was formerly fined, for
 disorderly coming together without consent of their parents and lawful mar-
 riage, the sūme of ten pounds, and imprisoned during the pleasure of the Court,
 haueing since bine orderly married, and liueing orderly together, and follow-
 ing their callinges industriously, and attending the worship of God dilligently,
 as is testified by some of their neighbours of good report, the Court haue
 seen good to remitt fiue pounds of the said fine; in respect alsoe of their
 pouertie, the Treasurer is ordered likewise to bee slow in demanding the
 remainder.

The Court ordered, that wheras Wiltam Randall trauersed his present-
 ment about the teling of the lye for which hee was afterwards fined as aboue-
 said, the charge of the jury should bee payed by the said Randall, and that the
 Treasurer should demaund it when hee demaunds his fine.

*The agents for the towne of Yarmouth appeering att this Court, accord- [*8.]
 ing to agreement, to debate and determine a difference between them and
 others about whales, were desired by the Court to giue in thire result concern-
 ing that matter vnto the Court, as being that whervnto they would stand; who
 gaue in their answare as followeth:—

The sixt of the first month, 1662

Right Wor^{sh}: Wee intreat your worships reddily to accept these few
 lines for a positiue answare, to which wee promise to stand: that the Treas-
 urer shall haue the two barrells of oyle out of each whale, according to his
 proposition made vnto vs for the yeare past, soe as there may bee a full end
 of what troubles hath formerly past about it. Witnes our hands,

ANTHONY THACHER,
 ROBERT DENIS,
 THOMAS BOARDMAN,
 RICHARD TAYLER.

1661-2.

4 March.
PRENCE,
GOU^r.

The Court, haueing considered of thire returne, haue accepted of the same; and soe the said differenç is ended in refference to things past about the same.

An order directed to Richard Williams and Walter Deane, of Taunton, as followeth: —

Wheras, by an order of Court bearin date the first of October, 1661, libertie was graunted vnto Jone Miller to make sale of a quarter pte of the land of Thomas Goggen, deceased, and that what it should bee sold for should bee improued for the releife of Bathsheba Coggen, att yourer descrections, these are therfore to signify vnto you, that the Courts order farther is, that whatsoever shalbee improued of the said land sold for the releife of the said Bathsheba Coggen, that you take sufficient securitie of the said Jone Miller, in the behalfe of the Court, for the same before it be let goe out of yourer hands.

The Courts order.

p mee, NATHANIELL MORTON, Clarke.

The Court doeth order James Walker to sellebrate marriage in the towne of Taunton vntill June, 1684.

James Walker was authorised by the Court to adminnister an oth, as occasion shall require, att Taunton, as alsoe to marry psons, as occasion shall require, vntill the next June Court. This order was c x att June 9th, 1662, soe that the said James Walker is to giue oath & marry, as aboucsaid.

[*9.]

Fine.

*Anna Bessey, for her crewell and vnaturall practice towards her father in law, Gorge Barlow, in chopping of him in the backe, notwithstanding the odiousnes of her fact, the Court, considering of soñ sercomstances, viz^s, her ingeniose confession, together with her p^sent condition, being with child, and some other p^ticulares, haue sentenced her to pay a fine of ten pounds, or to bee publickly whipt att some other convenient time when her condition will admitt therof.

Dorcas Bessey and Mary Bessey, for carriages of like nature towards their said father in law, though not in soe high a degree, were both sentenced to sit in the stockes during the pleasure of the Court; which accordingly was p^formed. The younger, viz^s, Mary Bessey, was sharply reprod by the Court, as being by her disobeydience the occasioner of the euill aboucmencioned.

Gorg^e Barlow and his wife were both scuerly reprod for their most vngodly lueing in contension one with the other, and admonished to luee otherwise.

Robert Barker, for his wife and son their changing of a gun with an Indian, fined ten pounds. 1661-2.

And for another, which hee changed with an Indian, — because the Court judgeth it was done ignorantly, — it is referred vnto the Generall Court to be holden att Plymouth in June next, att which Court hee was fined the sume of forty shillings. 4 March.
PRENCE,
GOU^R.
Fine.

John Hawes, for relating a scandalous report, for which hee hath not produced sufficient ground for it, is fined ten shillings. Fine.

Joseph Turner, for bringing a scurrilous message vnto the major, acknowledged his fault to the Court, and promised to satisfy the said major, and soe is cleared.

Richard Marshall, for many wicked and filthy speeches and actions, as alsoe for many other practices tending to the disturbance of neighbourhood, was sentenced by the Court to bee publicly whipt, which accordingly was executed; and his master, John Turner, of Taunton, was warned by the Court to take course that the said Richard Marshall, his servant, shall carry better amongst his neighbours, or otherwise to rid him out of the towne.

**Att the Court of Assistants held att Plymouth the seauenth Day of May, 1662.* 1662.

BEFORE Wilſam Collyare,
John Aldin,

Thomas Southworth, and
Wilſam Bradford,

Assistants.

7 May.
[*10.]

CONCERNING a difference betwixt Abraham Jackson and Rose, the wife of Thomas Morton, the said Abraham complaining that the said Rose, as hee came from worke, did abuse him by calling of him lying rascall and rogue, which was testified by Jonathan Prat likewise, vpon oath, the Court declared, and ordered to bee recorded, that they apprehend, that notwithstanding her soe peremptory denyall that shee called him rogue, they doe beleieue that shee soe did call him; and wheras shee owned that shee called him lying rascall, and said shee was sorry for it, and promised to bee more carfull of her words for the future, they haue for the present pased it by.

The Court haue condemned a ꝑcell of tarr attached att the suite of James Cole, Seni^r, of Joseph Ramsdens, for a debt the said Ramsden owed him;

1662.

7 May.
PRENCE,
Gov^r.

and wheras it appeared to bee to little to satisfy the said debt, it being three barrells that should haue bine attached, and but a barrell and an halfe that could bee found, the said Cole and Ramsden haue agreed for the remainder betwixt themselues.

The Court doe allow vnto John Sprague three shillings for himselfe and his horse a day, imployed about the contrey seruice in going to Duxburrow and returning about Joshua Cockshall.

The Court condemned three barrells of tarr attached att the suite of Gyles Rickard, Junier, against Joseph Ramsden.

A paire of wheelcs belonging to the said Ramsden were released, being formerly attached att the suite of John Barnes, because none appeared for the said Barnes to cleare vp the debt which they were attached to satisfy for out of the estate of Joseph Ramsden.

[*11.]

*Wee, whose names are vnder written, being impannelled on a jury to view the dead body of Thirston Clarke, Seni^r, of Duxburrow, and to enquire by what meanes hee came by his death, —

Wee find, vpon serch and enquiry, that the weather being could and snowey, hee came on that side of Joanes Riuer which is on Duxburrow side, vpon his returne from Plymouth, endeavoring to come home, and came neare home; and by his track in the snow wee find that hee had wandered to and fro and lost himselfe, and did see wilder that hee came vpon a flatt nygh the place called the Longe Point vpon the said flatt, which is now in the possession of Joseph Andrews, and that hee was found. Vpon serch being made by diuers, the first thing that was found was a baskett, with diners smale comodities, some distance from him; and after that there was found his capp, with his staffe and one mitting, sofmwhat nigher to his body; and after that his body was found, being couered with some iyce vpon him. His body was viewed by vs, and wee find the cercomstances heerof, that the iyce, with the cold and water, was the cause of his death.

Duxberry, the 8th of the 10th, (61.)

JOSEPH ANDREWES,

CHRISTOPHER WADSWORTH,

JOHN TRACYE,

JOHN SPRAGUE,

GORGE PARTRICH,

JOSEPH WADSWORTH,

JOHN ROGERS,

GORGE TURNER,

JOHN ROBBINS,

JOSEPH PRIOR,

EXPERIENCE MICHELL,

SAMUELL SEABURRY.

Soe sayeth one, and soe they say all.

This following was margined in the original before giuen into the Court, and before the subscribsion of the names: That hee was lost, as wee conceiue, in the euening, and soe hee did bewilder himselfe, the sixt of this instant December, 1661.

*The names and verdict vpon oath of the enquest impannelled by Captaine Thomas Willett, by order, for to enquire concerning the cause of the death of Robert Allin, deceased, the brother of John Allin, of Rehoboth, which said Robert Allin died the 15 day of May, 1661.

1662.

22 April.
PRENCE,
Gou^r.

[*12.]

| | | | | | |
|---------|---|---|---|---------|--------------------------------|
| sworne, | } | M ^r Stephen Paine, Seni ^r , | } | sworne, | Leif ^t Peter Hunt, |
| | | John Reed, | | | Wilt ^t Sabin, |
| | | Robert Abell, | | | James Browne, |
| | | John Butterworth, | | | Richard Bullocke, |
| | | Robert Wheaton, | | | Joseph ^t Carpenter, |
| | | Roger Annadowne, | | | Richard Whittacus. |

These, haueing viewed the dead body of the said Robert Allin, and heard the relations of those that were in the house of the said John Allin, where hee, the said Robert Allin, died, att the time of his death, doe with one consent declare, that hee came by his death by laying violent hands vpon himselfe.

THOMAS WILLETT.

Dated att Rehoboth the 22nd of Aprill, 1662.

**Att the Generall Court held att Plymouth the third Day of June, 1662.*

3 June.
[*12^b.]

| | |
|--|----------------------|
| BEFORE Thomas Prence, Gou ^r , | Thomas Southworth, |
| Wiltam Collyare, | Wiltam Bradford, and |
| John Aldin, | Thomas Hinckley, |
| Josias Winslow, | |
| | Assistants, &c. |

M^R THOMAS PRENCE was chosen Gou^r, and sworne.

| | | | |
|------------------|----------------------|---|-------------------------------------|
| } | Wiltam Collyare, | } | were chosen Assistants, and sworne. |
| | John Aldin, | | |
| | Thomas Willett, | | |
| | Josias Winslow, | | |
| | Thomas Southworth, | | |
| | Wiltam Bradford, and | | |
| Thomas Hinckley, | | | |

1662.

3 June.
PRENCE,
GOU^r.

Major Josias Winslow and Captaine Thomas Southworth were chosen comissioners; M^r Thomas Prence was the next in nomination. Constant Southworth was chosen Treasurer, and sworne.

[*13.]

*The names of the deputies of the seuerall townes of this jurisdiction whoe serued att this Court are as followeth:—

| | |
|-------------------------------------|-------------------------------------|
| John Dunham, Seni ^r , | M ^r Thō Howes, |
| Robert Finney, | Richard Saeres, |
| John Morton, | Henery Cobb, |
| Ephraim Morton, | Nathaniell Bacon, |
| M ^r Constant Southworth, | Leif ^t Perrigrine White, |
| Wiltam Paybody, | Ensigne Marke Eames, |
| Leiftenant James Torrey, | Leif ^t Peter Hunt, |
| Cornett Robert Studson, | Henery Smith, |
| Thomas Burgis, | Leif ^t John Freeman, |
| Wiltam Bassett, | Josias Cooke, |
| Leif ^t James Wyatt, | Wiltam Britt. |
| James Walker, | |

The Grand Enquest.

| | | | | |
|---------|---|-------------------------------------|---|------------------|
| sworne, | { | M ^r Anthony Thacher, | } | Wiltam Clarke, |
| | | M ^r Joseph Tildin, | | Francis West, |
| | | M ^r Allexander Standish, | | Thomas Caswell, |
| | | Anthony Snow, | | Wiltam Twiney, |
| | | Austine Bearce, | | John Miller, |
| | | Gorg ^e Macye, | | Arther Hathaway, |
| | | Wiltam Maycomber, | | John Carey, |
| | | Daniell Smith, | | Gorge Lewis, |
| | | Samuell Newman, | | Jacob Burgis, |
| | | John Otis, | | Thomas Tupper. |
| | { | Jacob Cooke, | } | |

[*14.]

*The Constables of the seuerall Townes.

| | |
|----------------------|--------------------|
| Plymouth, | Abraham Jackson. |
| Duxburrow, | Benjamin Bartlett. |
| Scittuate, | { John Bryant, |
| | { John Daman. |

| | |
|-----------------------|---|
| Sandwich, | Thomas Dexter. |
| Taunton, | Wiltam Witherell. |
| Yarmouth, | Edward Sturgis. |
| Barnstable, | Thomas Huckens. |
| Marshfeild, | { Cap ^t Nathaniell Thomas, Thomas Little. |
| Rehoboth, | Nathaniell Paine. |
| Eastham, | Nicholas Snow. |
| Bridgwater, | John Eames. |
| Acushenah, | Samuell Jeney. |

1662.
3 June.
PRENCE,
Gov^r.

Surveyors of the Highwaies.

| | |
|-----------------------|---|
| Plymouth, | { Joseph Warren, Thomas Lettice, Francis Combe. |
| Duxburrow, | { Christopher Wadsworth, Moses Simonson. |
| Scittuate, | { James Doughtey, Stephen Vinall. |
| Sandwich, | { Thomas Burgis, Richard Chadwell. |
| Taunton, | { Anthony Slocome, Wiltam Harvey. |
| Yarmouth, | { M ^r John Joyce, Wiltam Eldred. |
| Barnstable, | { Thomas Lewis, Moses Rowley. |
| Marshfeild, | { John Rouse, Wiltam Foard, Juni ^r . |
| Rehoboth, | { Nocholas Hyde, John Pecke. |
| Eastham, | { Gyles Hopkins, Thomas Paine. |

*Att this Court, M^r Wiltam Hedge was allowed and approved by the Court to bee captaine of the milletary companie of Yarmouth. [*15.]

James Leonard, of Taunton, was freed from training in the milletary companie of Taunton in reference to his calling, being a bloomer, and in respect to a former order of Court wherin hee was exempted in that respect.

1662.

3 June.
PRENCE,
Gov^r.

Wheras Thomas Little, of Marshfeild, hath bought a farne land in Marshfeild, which was soñitimes the land of Major Wiltam Holmes, deceased, and hath build, fenced, and otherwise bestowed labour theron, wherby it is much bettered since hee came to improue it and inherite it, the Court haue ordered, for the securitie of the said Thomas Little, hee, his heires, exequitors, and adminnestrators, that incase any one shall come in future time and lay claime to the said lands, and cleare vp a better title then the said Thomas Little hath thervnto, that then such as soe doe shall then fully satisfy vnto the said Thomas Little, or his heires or assignes, the full worth of whatsoever laboure or charge hee hath bine att on the same lands as abousaid, before they enter on the posession therof.

Vpon the complaint of Edward Perrey, of Sandwich, that the marshall had attached his meddow on the account and att the suite of Henry Saunders, it being a mistake in the marshall, the Court haue ordered, that the said Saunders shall quit his claime thervnto, and surrender it to the right owner, and lett him enjoy it quietly, and that the said Henry Saunders hath libertie to take out a new execution for what is due to him in that behalfe.

Eres of adminnestration is graunted vnto Mirriam Wormall to adminnester on the estate of Joseph Wormall, deceased.

[*16.]

*M^r Timothy Hatherley is heerby engaged and stands bound vnto the Goũ and Court of New Plymouth in the sume of an hundred pounds, to saue harmless the said Goũ and Court from any damage that may arise by the letters of adminnestration graunted by the Court vnto Meriam Wormall, widdow, to adminester on the estate of Joseph Wormall, deceased.

Att the Court held att Plymouth the fift day of October, 1664, Josias Wormall engaged to the Court for the sixt pte of the estate of Joseph Wormall, deceased; and on this the Court released M^r Hatherley of the abovesaid bonds.

Leiftenant James Wyate, together with the widdow Alice Deane, of Taunton, doe both of them joyntly and severally stand bound vnto the Goũ and Court of New Plymouth in the sume of twenty pounds, to saue harmless the Court and vndamnified by their pmitting of a legacye of ten pounds to bee payed by Thomas Troubridge, of New Hauen, vnto Isacke Dean, of Taunton, the said Isacke Dean being vnder age.

M^r Hatherley is desired and deputed by the Court to adminnester an oath to the widdow Vtley, of Scituate, for the truth of the inventory of her husbands estate, whoe is lately deceased, in regard that shee is weake and ill, and not able to make her psonall appeerance att the Court.

Eres of adminnestration is graunted vnto Mistris Alice Parker, of Taunton, to adminester on the estate of M^r Wiltam Parker, deceased.

Eres of adminnestration is graunted vnto James Leanard, of Taunton, to adminnester on the estate of Thomas Billington, of Taunton, late deceased.

Att this Court, Tatacomunah, an Indian, complained against Wamsitta

for selling away a necke of land called Saconett, which hee saith belongeth to him.

1662.

3 June
PRENCE,
Gou^r.

A like abuse a squa sachem, called Namumpam, complained of against Wamsutta; and the Court engaged to doe what they could in convenient time for their releife in the promises.

*Concerning a cow belonging to Jane, the daughter of Anthony Bessey, of Sandwich, the Court haue ordered Gorge Barlow, in whose hands the said cow hath bine for soñ tiñi, to returne her to the ouerscers of the estate of the said Anthony Bessey, to bee disposed of by them for the vse and good of the said Jane Bessey.

[*17.]

The Court haue remited fuc pounds of a fine of ten pounds amerced on Robert Barker for his wife and sone their exchanging of a gun with an Indian.

And the said Robert Barker is fined the sume of forty shillings for exchanging another gun with an Indian before the abouemencioned, hee professing ignorance and injeniously confesing the same.

Wheras it hath bine giuen forth that diuers haue bine vnsatisfied about the sale of Kenebecke, and that an oppertunitie is lately presented vnto vs for the haueing of it againe, the deputies haueing considered therof, and finding noe way presenting itselfe by their taking of it againe for the countreyes better advantage, haue with one consent agreed, that they desire not to meddle with it againe, but doe rattify the sale therof.

Concerning a mare killed by the Indians att Mashpe, which, vpon the best euidence that can bee had, is found to belong to John Allin, of Sandwich, Paupemamecke and Keencomsett haue engaged before the Court that the Indians shall pay the sume of fourteen pounds vnto the said John Allin or his assignes betwixt this and the fifteenth day of Aprill next ensueing the date heerof, in manor and forme following, viz^s: the one halfe of it in corn and porke, and the other halfe in oysters, att prise current att the payment therof; or incase they can kill any woulues in the intrime, the Court haue engaged to make payment in their behalfe vnto the said John Allin for soe much as they shall come vnto according to the ordinary rate that they [^] or payed for killing of them; but incase they shall make payment in speeye as abouesaid, that then they shall pay as much of it as they can to Nicholas Daus, and the rest att Sandwich to the said John Allin, or his assignes in the behalfe of the said John Allin.

*In reference vnto a desire of M^r Collyare about his ^x of meddow att the North Hill, in the township of Duxburrow, the Court haue ordered Major Winslow and M^r Aldin to view and settle the bounds of the said meddow.

[*18.]

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Gov^r.

See booke of
orders and pas-
sages of the
Court, 1661,
June.

Captaine Willett is appointed by the Court to purchase the lands of the Indians which is graunted vnto such that were servants and others that are ancient freemen, which the × thinks meet to add to them to haue interest in the said graunt, the tenure wherof is extant in the × of the Court.

It was further graunted by this Court, that the abouesaid servants and ancient freemen shall haue libertie, incase they can not procure Saconett Necke according to the × graunt, to looke out some other place, vndisposed of, for their accomodation.

Their names are as followeth :—

| | |
|---------------------|--------------------|
| James Cole, Senir, | Wiltam Merricke, |
| +John Hanmore,+ | +Gor̄g Partrich,+ |
| Nicholas Wade, | Joseph Beedle, |
| Thomas Williams, | John Rouse, |
| Richard Bishop, | Abraham Sampson, |
| Gorge Vicorey, | John Vobes, |
| Samuell Chandeler, | John Irish, |
| +Roger Annadowne,+ | Peter Collymore, |
| Wiltam Sherman, | John Haward, |
| +Walter Woodworth,+ | Thomas Pope, |
| John Smaley, | Richard Beare, |
| Wiltam Tubbs, | Wiltam Shirtliffe. |

Richard × as an ancient freeman, Josias Cooke as a servant and as an × freeman, John W × , Senir, as an ancient freeman and as a seruant.

Josias Cooke and John Was × are to bee considered with a × portion in reference to the condition abouemensioned, as being both ancient freemen and servants.

A tract or ꝑcell of land is graunted to the towne of Sandwich lying alonge the herring riuer downe to Josias Standishes land att Manomett.

In answare to a petition prefered to the Court by Bridgewater, it is graunted by the Court, that the meddow land lying northward and westwards from the center within the seauen miles, is graunted to the towne of Bridgewater.

[*19.] *In reference to a petition prefered to the Court by sundry of the freemen, and in reference vnto a graunt made to some to looke out accomodations of land, as being the first borne children of this goument, and for the

disposing of two seuerall tracts of land lately purchased, the one by Major Winslow and the other by Captaine Southworth, the Court, haueing viewed the seuerall lists of the names of those that desired to bee accomodated therein, haue settled it vpon those whose names follow : —

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PRENCE,
Gou^r.

| | | |
|------------------------------|---|--------------|
| M ^r Prence, | Anthony Anible, for his daughter, | × dders |
| M ^r Bradford, | Hannah Burman, | × to sell of |
| Major Winslow, | Francis Sprague, | × idg to be |
| M ^r Aldin, | Gor̄g Soule, | × oyed by |
| Wiltam Mullins, | Nathaniell Warren, | × Winslow |
| M ^r Brewster, | Samuell Fuller, Jun ^r , of Plymouth, | × were |
| M ^r Howland, | Andrew Ringe, | × × |
| Francis Cooke, | Francis Billington, | × × |
| Leiftenant Fuller, | Moses Simonson, | × both |
| Leiftenant White, | Resolued White, | × due. |
| Wiltam Pontus, | Wiltam Bassett, | |
| Steuen Dean, | Edward Bumpas, | |
| Phillip Delanoy, | Samuell Eedey, | |
| M ^r John Winslow, | Wiltam Hoskins, | |
| John Adams, | Gor̄g Partrich, | |
| Peter Browne, | Wiltam Nelson, by right of his wife. | |
| John Shaw, | | |

Edward Gray to haue a double share, to bee layed forth together.

It is ordered by the Court, that those to whom these lands were disposed shall come to a deuision therof within two monthes after the date heerof, and satisfy all disbursments for the purchase therof, both to the major, Edward Gray, or any others ; and incase they shall not come to a deuision within two monthes as abouesaid, that then Edward Gray may sett his house in any place within the said tract, and that thervnto hee shall haue a double portion layed out to him, and to haue libertie likewise to mow any × × ×

Alsoe,
× by the
× that none
× enjoy
× in two
× the
× d
× othe
× ×

*In reference vnto a former graunt to sundry ancient freemen of the towne of Taunton, to looke out lands for their accomodation, and in answare to the request of some others that are joyned with them in desiring accomodations of land, the Court haue graunted vnto them that they shalbee accomodated on the lands on the northerly bounds of Taunton, and that the major, Captaine Southworth, and Captaine Bradford are appointed by the Court to purchase the same of the Indians in the behalfe of those heerafter named, prouided that which shalbee purchased shall not bee prejudiciall to the Indians.

[*20.]

1662.

3 June.
PRENCE,
Gov^r.

| | |
|------------------------------------|----------------------------------|
| Captaine Thomas Southworth, | Joseph Warren, |
| M ^r Wiltam Parker, | Leiff James Wyate, |
| M ^r Henery Andrews, | John Morton, |
| John Parker, | Ephraim Morton, |
| Gabriell Fallowell, | Robert Finney, |
| Gyles Rickard, Seni ^r , | Ensigne Marke Eames, |
| Richard Wright, | Wiltam Paybody, |
| Anthony Snow, | Gorge Hall, |
| Nathaniell Morton, | John Deane, |
| M ^r John Gilbert, | Walter Deane, |
| Captaine Poole, | John Dunham, Juni ^r , |
| James Walker, | John Rogers, |
| Richard Williams, | Gorge Bonum, |
| John Wood, | Jonathan Briggs, |
| Henery Wood, | Dauid Briggs, |
| Wiltam Harlow, | John Bunday. |

It is ordered by the Court, that the abouesaid land shalbee purchased by the next June Court, and not to exceed such a proportion as is suitable in quantity to soe much as such a number as those haue that had a graunt with the major in those two graunts or tracts before mencioned in this booke.

[*21.]

*In reference vnto an order of Court bearing date the first of March, 1641, the Court haue graunted an inlargement and accomodation of land vnto the towne of Barnstable, according to theire desire expressed in that order.

A Deposition about Land appointed to bee recorded.

10 June.

Our towne appointed mee, with others, to purchase of Osamequin a tract of land about a place knowne to our towne by the name of Satuckett, which wee did from the center six miles, which center is the ware in the riuer aboue expressed, and wee paid him for it; the writing or deed expressed vnder Osamequins hand was seauen miles.

The oath of M^r Constant Southworth, Leiff Nash, alsoe being deposed to the same in the Court held in Plymouth the 10th of June, 1662.

Attested p me,

NATHANIELL MORTON, Clarke.

An other Testimony about Land appointed to bee recorded, as followeth.

This testifyeth, that when Captaine Standish was there to sett out the Indians land, that then Napoietan, the sagamore, told M^r Winslow and the

rest of the companie that hee gaue the one halfe of that land to Tacomacus ;
soe hee and his wife and children haue enjoyed it euer since.

1662.

HENERY COBB.

10 June.
PRENCE,
Gou^r.

[*22.]

*M^r Aldin and the major are appointed by the Court to sett out the bounds
betwixt Barnstable and Sandwich, and to end any difference that is betwixt
them and the Indians about any graunt of lands.

The Treasurer is appointed by the Court to take order and agree with a
workeman to reparaire the house bought by the countrey of Edward Gray.

The major, Cap^t Southworth, and Cap^t Bradford are appointed by the
Court to draw vp a forme of comission for milletary officers, viz^s, captaines,
leiftenants, and ensignes, which shalbee in a reddines to bee viewed by the
councell of warr att the next generall training ; and if by them, or any seauen
of them, approued, then to bee established. Aded vnto these abouemensioned
for advise and counsell, Leiftenant Torrey, Leiftenant White, Leiftenant Nash,
and Cornett Studson.

M^r Joseph Pecke is authorised by the Court to graunt a replevin to any,
the owners of cattle, that shall treaspas in the liberties of Rehoboth, and are
or shalbee impounded.

A deputie of euery towne in the gofiment was appointed to take the
account of the Treasurer, viz^s, of those that were now att the Court.

Theire names are as followeth : —

| | |
|------------------------------|-------------------------------|
| John Morton, | Nathaniell Bacon, |
| Wiltam Paybody, | Leiftenant Peregrine White, |
| Leiftenant James Torrey, | Leif ^r Peter Hunt, |
| Wiltam Bassett, | Leiftenant John Freeman, |
| Leiftenant Wyate, | Wiltam Britt. |
| M ^r Thomas Howes, | |

Sec the account in the Treasurers booke in anno 1662.

*The Treasurer, Wiltam Paybody, and Wiltam Britt are appointed by
the Court to see the lands of Captaine Standish about Satuckett Pond layed
forth, soe much as was graunted to him, which is about two hundred and
thirty acres, if it bee there to bee had, a quarter p^{te} of the first graunt being
taken out, and Josias Standish haueing other lands alowed to him att Man-
nomett.

[*23.]

Wheras M^r Thomas Dexter, Seni^r, complaineth of abuse and wronge
done him by Leiftenant Fuller, and sundry of his neighbours, by pulling vp

1662.

10 June.
PRENCE,
Gov^r.

of his fence and turning in cattle, &c, and that now at Plymouth the said Thomas Dexter speaking with the said Leiftenant Fuller about that matter, hee engaged to giue him meeting before the Court, that soe the Court might haue the hearing of the case, which hee neglected to attend, the Court therefore orders and doth heerby require, that the said Leiftenant Fuller and all others that haue damnified him, the said Thomas Dexter as aforesaid, by pulling vp his fence and the like, doe sease from soe doeing all this p̄sent summer vntill the next October Court; and that att the said Court there may bee a hearing of the case, and such determination as the Court shall see reason.

The Court haue authorised M^r Timothy Hatherly to sollemise the ordinance of marriage in the township of Scittuate as occasion shall require, and likewise to adminnester an oath to any to give euidence for the tryall of a cause, and alsoe to adminnester an oath to any that shall giue euidence to the grand enquest as occasion shall require within the township of Scittuate.

The Court doe likewise authorise the said M^r Timothy Hatherly to adminnester an oath to the widdow Vtley for the truth of the inventory of the estate of her husband, late deceased.

[*24.]

Thomas Bird
was whipt the
first time att
this Court.

*Att this Court, Thomas Bird, for com̄itting of seuerall adulterouse practices and attempts, soe farr as strength of nature would pmitt, with Hannah Bumpas, as hee himselfe did acknowledge, was sentenced by the Court to bee whipt two seuerall times, viz, the first time att the p̄sent Court, and the second time betwixt this and the fifteenth day of July next.

And the said Hannah Bumpas, for yeilding to him, and not making such resistance against him as shee ought, is sentenced to bee publicly whipt, which accordingly was pformed.

M^r Timothy Hatherley was requested and authorised by the Court to see justice done on the body of Thomas Bird by publicke whiping in Scittuate, according to the aboucsaid sentence.

And likewise the aboucsaid Thomas Bird hath engaged to the Court to make payment of the full sūme of ten pounds vnto the aboucsaid Hannah Bumpas or her assignes, in p̄te of satisfaction for the wronge hee hath done her as aboueṣd.

The said In-
dian was whipt
att this Court.

Att this Court, a certaine Nantuckett Indian named Tetannett, allis Ned, was, for pilfering and stealing sundry thinges from John Mayo, of Eastham, centanced by the Court to bee publicly whipt, and alsoe warned, according to former order, being a stranger in our goūment, to depart to his owne place att Nantuckett; and incase hee shall reside within this goūment, and bee found therein any other then as a passenger on a journey or the like, that then hee shalbee taken and publicly whipt, and sent home againe.

Att this Court, a fine of forty shillings was remited to M^r John Vincent, of Sandwich, which was by him forfeited for none appearence att the last June Court to serue as a deputy.

1662.
 10 June.
 PRENCE,
 GOV^r.

Cap^t Bradford, the Treasurer, and Cornett Studson are appointed by the Court to agree with a workman to mend Joanes Riuer bridge.

*The Names of those that are appointed by the Court in the seuerall Townes of this Gofiment to take the Invoice of what Liquors, Powder, Shott, and Led is brought into the Gofiment.

[*25.]

| | | |
|-----------------------|---|--|
| Plymouth, | { | John Morton, William Harlow. |
| Duxburrow, | { | M ^r Constant Southworth, Benjamine Bartlett. |
| Scittuate, | { | Edward Jenkins, John Daman. |
| Sandwich, | { | Nathaniell Fish, Thomas Tobey. |
| Taunton, | { | Gorg ^e Macye, Francis Smith. |
| Yarmouth, | { | M ^r Anthony Thacher, Robert Dennis. |
| Barnstable, | { | Nathaniell Bacon, Joseph Laythorpe. |
| Marshfeild, | { | Anthony Snow, William Maycomber. |
| Rehoboth, | { | Leif ^t Peter Hunt, Richard Bullocke. |
| Eastham, | { | Daniell Cole, Jonathan Sparrow. |
| Bridwater, | { | William Brett, John Willis. |

These are to giue a trew account of all liquors, wine, powder, shott, and ledd that comes into the collonie, and comes to thire knowlidge, att the Generall Courts of the yeare, according to order.

See the law of this June, 1662.

1662.

3 June.
 PRENCE,
 GOV^r.
 [*26.]

*Att the Generall Court held att Plymouth, in New England, the third Day of June, Anno Domini 1662.

Wheras, notwithstanding all former prouision made for the pfecting of the line betwixt the Massachusetts and this collonie, from Accord Pond westward, hath bine hitherto obstructed, the neglect wherof, being soe greiuous to them and vs, and soe hurtfull in sundry respects, —

This Court doth therefore order, that Major Josias Winslow, Capit Thomas Southworth, and Cornett Robert Studson bee a comittee fully impowered to acte in the pfecting of the said line, and to conclude the right therof, according to the graunt of the charter of our collonie ; whoe are to giue meeting vnto a comittee being in like manor impowered by the honored Court of the Massachusetts to acte therein in their behalfe, that soe there may bee a finall issue put to that controuersy ; and what shalbee by the said comittees acted, our said comittee are to returne to our next Generall Court.

[*27.]

*Wheras many controuersies haue bine between Phillip, the sachem of Sowams, and Quiquequanchett and Namumpam, his wife, and soñ Narragansett Indians that are with them ; and the said pties intersted haue desired vs to take notice of them, and by joynt agreement haue refered it to our determination and issue ; wee, haueing fully heard their seuerall allegations and complaints, doe find that the principall difference between them hath arisen from the abouesaid Quiquequanchett and his wife entertaining of some Narragansetts against Phillip's liking and good will after conditions broken, and haueing well minded such please as they haue made for the proprietie and royaltie to such places as they haue bine soe entertained, wee evidently see that it hath bine originally in the said Phillip's predecessors, and is acknowledged by the other to haue bine from Phillip's father conveyed to him, and that on the condition that such as should there live vnder him should alwaies obserue such orders and costomes as they had found amongst them, the non obseruance wherof hath bine a great cause of their present troubles.

Wee doe therefore giue it as our aduise, for the issue of the contestes between the pties abouenamed, that the said Quiquequanchett and his wife doe dismise such of the said Indians as are, to Phillip's offence, entertained by them, vnles by any agreement with him hee may bee made willing to their continuance there on their promise of better carriage ; and for returne of any goods by him taken from them, wee find hee hath alsoe bine trespassed and damnified by them, yett would haue him returne the canoocs complained of, or any thinge of that nature that is yett extant, and doe aduise that all vnkindnesses may bee buried between them, and that the remembrance of this

difference, arising from such small beginnings, may for future make them wise to live in peace and love.

THOMAS PRENCE, Gov^r,
JOHN ALDEN,
JOSIAS WINSLOW

1662.

8 October.
PRENCE,
Gov^r.

Plymouth, October the 8th, 1663.

*Forasmuch as there hath lately many runers gon too and frow of danger of the rising of the Indians against the English, and some suspicion of their plotting against vs to cut vs of, the councill of warr, being assembled, saw cause and reason to send vnto Phillip, sachem of Poconakett, to require his appeerance att the Court held att Plymouth the sixt of August, 1662, to make answere vnto such intergatories as should bee proposed vnto him for the clearing of the aforsaid p̄ticulares, and to deliberate and congratulate with him about such matters as might tend to a further settlement of peace, and renewall of former couenants, as hee seemed to desire, plighted betwixt our predecessors and his ancestors; and accordingly the said sachem appeered att the Court abouesaid, and after curtesy expresed on both sides, and a large and deliberate debate of p̄ticulares, hee absolutely dencyed that hee had any hand in any plott or conspiracy against the English, nor that hee knew of any such contrivance against them, and proffered his brother, vpon the Courts demaund, as an hostage to bee secured vntill the Court could haue more certainty of the truth of his defence. Vnto which they returned, that although they had just cause to require and accept of his hostage, yett notwithstanding they doe not desire it att the present, for such reason as they then expressed vnto him. In fine, it was concluded by the Court and him mutually, that the ancient couenant betwixt his predecessors and vs should bee continued; an abstract wherof was drawne vp and agreed on both p̄tes, and subscribed both by the said Phillip, the sachem, as alsoe his vnkell and sundry other of his most considerable men; the contents of which said couenant and subscription is as followeth:—

[*28.]

*Att a Court of Assistants held att Plymouth on the sixt day of August, anno Dom. 1662, Phillip, allis Metacum, sachem of Pocanokett, making his appeerance, did earnestly desire the continuance of that amitie and frindship that hath formerly bine between this goument and his deceased father and brother; and to that end the said Phillip doth, for himselfe and his successors, desire that they may for euer remaine subject to the Kinge of England, his heires and successors, and doth faithfully promise and engage that hee and

6 August.



[*29.]

1662.





6 August.
PRENCE,
Gou^r.

his will truly and exactly obserue and keep inuolable such conditions as haue bine by his predecessors formerly made, and p̄ticularly that hee will not att any time needlesly or vnjustly prouoake or raise warr with any other of the natiues, nor att any time giue, sell, or any way dispose of any lands to him or them appertaining to any strangers, or to any without our priuity, consent, or appointment, but will in all thinges indeauor to carry peacably and inoffen- ciously towards the English.

And the said Court did then alsoe expresse their willingnes to continew with him and his the abouesaid frindship, and doe on their p̄te promise that they will afoard them such frindly assistance by aduise and otherwise as they justly may; and wee will require our English att all times to carry frindly towards them. In witnes wherof the said Phillip, the sachem, hath sett to his hand, as alsoe his vnkell, and witnessed vnto by sundry other of his cheifemen.

The marke of  PHILLIP, allis METACUM,
Sachem of Pocanakett,
The marke of  VNCUMPOWETT,
Vnkell to the abouesaid sachem.

Witnesse John Sasomon,

The marke of  Francis, the sachem of Nausett,
The marke of Nimrod , allis Pumpasa,
The marke  of Puncquaneck,
The marke  of Aquetakesh.

3 October.
[*30.]

**Att the Generall Court holden att Plymouth the third of October,
1662.*

| | |
|--|----------------------|
| BEFORE Thomas Prence, Gou ^r , | Thomas Southworth, |
| Wiltam Collyare, | Wiltam Bradford, and |
| John Aldin, | Thomas Hineckley, |
| Josias Winslow, | |
| Assistants, &c. | |

M^R WILEAM COLLYARE and M^r John Aldin are appointed by the Court to view and bound an addition of land graunted vnto Captaine Bradford, in some convenient place for him adjoyning to the land hee hath att Stonybrooke.

Mr John Bradford and Mr Joseph Bradford are to bee considered in an accomodation of land in that which Captaine Willitt hath purchased on the north bounds of Rehoboth or elsewhere.

Since aded therunto Henery Sampson, Edwa: Dotey, John Whiston.

1662.

3 October.
PRENCE,
Gov^r.

Whereas Mr Collyare complaineth that the records of his graunt att the north hill are lost and cannot bee found, both of the vpland and meddow, the Court hath ordered, that Mr Aldin and Major Winslow shall view the same land, and bring report of it to the next March Court, that soe it may bee recorded as neare as may bee according to the first graunt.

Att this Court, a tender was made vnto Samuuell Hickes by the Court to come to an equall deuision with others enterested in the lands of Mr Robert Hickes att Aceushena, Coaksett, and places adjacent; and the said Samuuell Hickes hath refused the same; and therefore the Court is nessesitated to appoint some to deuide it to such as are by Mr Hickes his will enterested therein in such proportion as the said land will beare; and the Court haue accordingly appointed Samuuell Jenney, James Shaw, and Arther Hatheway to doe the same.

Concerning a coult enquired after by John Sutton, att Rehoboth, it is ordered by the Court, that hee shall haue the said coult into his custody, with this prouiso, that if any other shall come heerafter, and make proffe that it is theirs, that then hee shall haue him forth coming, to bee deliuered to them.

Nicholas Norton and John Pease, of Martins Vinyards, are authorised by the towne of the said Vinyards to answare the suite of John Doged, comienced against the said towne att this Court.

Witnes Thomas Burcher,
Wiltam Weekes.

Captaine Cudworth, Mr Joseph Tildin, Leiftenant Torrey, and Cornett Studson are appointed by the Court to make deuision of some lands in p̄tenorship betwixt John Williams, Seni^r, of Scittuate, and his son, John Williams.

*Mr John Done, John Smalley, and Jonathan Sparrow to bee considered with those whoe are graunted accomodation of land on the northerly bounds of Taunton. [31.]

Experience Michill, Mr Alexander Standish, Henery Sampson, Samuuell Fuller, and Thomas Cushman, Juni^r, are nominated to bee considered in the aforsaid lands, if it bee there to bee had when those are supplied to whom the graunt is made, if it bee there to bee had; and if not there, in some other place, if it may bee found.

1662.

3 October.
PRENCE,
GOV^R.

The oath of Jonathan Briggs, of Taunton, taken before this Court, is as followeth : —

I, Jonathan Briggs, aged twenty-five yeares or therabouts, doe testify, that about six yeares agoe, as I was in the house of James Walker, of Taunton, I heard James Walker aske Wilſam Browne what hee would doe with his land if hee should not returne from England againe. Wilſam Browne answered, that if hee did not returne againe, then hee would giue all his land to his little cousen, which was Peter Walker, whoe then stood before him.

The Account of the Liquors brought into the Towne of Yarmouth since June last before the date heerof, giuen into this Court by M^r Anthony Thacher.

The 22^{cond} of the fift month, brought in by M^r Gray 18 gallons of liquors.

The 9th of the six month, brought in by M^r Hedge about fifteen gallons of liquors, ten pounds of powder, and halfe an hundred of ledd.

Wilſam Nicarson, att the same time, brought in one barrell of liquor.

The 19th of the 7th month, M^r Hedge brought in ten gallons.

The 26 of the 7th month, Elisha Hedge brought in 16 gall.

The same time, Wilſam Griffin brought in ten gallons.

Att this Court, Richard Bourne and James Skiffe were appointed by the Court to settle the bounds of Nanquatnumuks land.

Ann Allin, widdow, and M^r Timothy Hatherley, both of Scittuate, doe heerby stand bound and are engaged vnto the Goſd and Court of Plymouth in the sume of foure hundred pounds, to saue harmles and vndamnified the said Goſd and Court of Plymouth from any dammage that may arise to them by the letters of adminnestration graunted by them vnto the said Ann Allin to adminnester on the estate of John Allin, deceased.

[* 32.]

*Att this Court, Captaine Willett and some other whom hee shall thinke meet, are requested by the Court to view the bounds of Taunton, wherein they desire to bee enlarged ; and if hee sees it convenient, and that it bee not preiudiciall to others, to conſeirme it to them ; and incase that Captaine Willett shall neglect soe to doe, the Court haue declared that they will take some course to answere theire desires att the next March Court.

Fines and cen-
tances.

Samuell Howland, of Duxburrow, being pſented for breach of the Sabbath in carrying a grist from the mill on the Sabbath day, is, according to the law, sentenced to pay ten shillings or be whipt.

M^r Hatherley
is fully cleared
of this bond
this third of
June, 1663.

1662.

3 October.
PRENCE,
Gov^r.

And Willam Foard, Seni^r, is fined five shillings for suffering him to take it from the mill att such an vnseasonable time.

Kanelme Winslow, Juni^r, for ridig a journey on the Lords day, although hee pleaded some disappointment inforcing him thervnto, is fined ten shillings.

Timothy Hallowey, for prophaning the Lords day in triming his servant theron, is fined ten shillings.

Teage Jones, of Yarmouth, for being ouertaken in drinke, haueing bine formerly a transgressor in that kind, was fined fifty shillings.

Gorġ Crispe, being p̄sented for receiucing into his house some liquors or such like goods illegally taken, though hee knew it not, and suffering some disorders in his house, is fined twenty shillings.

The wife of Gorġ Crispe being p̄sented for a lye, the Court, haueing considered the matter, doe find that shee spake a falshood, but judg it not to come vnder the notion of a p̄nisious lye, but onely vnadvisedly, and soc require not the fine.

Willam Randall, being p̄sented for diuers lyes and slaunders in defamation of John Bryant, for his lyes was fined twenty shillings.

And in reference to his p̄sentment about Thomas Ouldums cooper stuffe, hee is fined for a lye about it ten shillings.

John Palmer, Juni^r, of Scittuate, for that without cause, out of prejudice, hee did forge a slaunder against Joseph Siluester, wherin is sundry p̄nisious lyes, is fined five pounds; and Samuell Palmer, being in the same default, and now absent, is left to further consideration.

John Tompson, warned to attend this Court to serue on a jury, did absent himselfe, and soc lyable to fine, vnlese hee can satisfy the Court by his defence.

*The rates for the publicke charge of the countrey for this yeare, according as they were proportioned on the seuerall townshipes, are as followeth:—

[*33.]

| | |
|--|--------------|
| Plymouth, rate to 120 ^l , | 11 : 02 : 00 |
| Duxburrow, | 06 : 14 : 06 |
| Scittuate, | 18 : 03 : 00 |
| Sandwich, | 10 : 02 : 00 |
| Taunton, | 10 : 02 : 00 |
| Yarmouth, | 10 : 02 : 00 |
| Barnstable, | 11 : 02 : 00 |
| Marshfeild, | 10 : 02 : 00 |
| Rechoboth, | 15 : 03 : 00 |
| Eastham, | 08 : 02 : 00 |

1662.

3 October.
PRENCE,
Gou^r.

| | |
|--|--------------|
| Bridgewater, | 04 : 10 : 00 |
| Sowamsett, | 05 : 10 : 00 |
| Cushenah and Coaksett, | 03 : 10 : 00 |
| The farmes against Road Iland, | 01 : 10 : 00 |

 125 : 14 : 06

The officers wages being taken out of the abovesaid sume, the remainder to bee paid, the one halfe therof in wheat and barly, att 4^s 8^d p bushell, and the other halfe therof, one third of it to bee paid in wheat and barly att the prise aforsaid, and the other two thirds in Indian corne att three shillings p bushell.

The 2nd of December, 1662, the sume of twenty-four shillings in money was received by the Treasurer from the clark, which was the money which was taken from a boy which ran away, whose name is Christopher Fowler, five shillings and threpenne wherof was payed by the Treasurer for the defraying of the charge of the marshall, &c, about the said boy ; and the Treasurer is ordered by the Court to returne the remainder to the right owner.

1662-3. **Att the Generall Court held att Plymouth the third Day of March,*
1662.

3 March.

[*34.]

| | |
|--|-----------------------|
| BEFORE Thomas Prence, Gou ^r , | Josias Winslow, |
| William Collyare, | Thomas Southworth, |
| John Aldin, | William Bradford, and |
| Thomas Willett, | Thomas Hinckley, |
| Assistants, &c. | |

IN answere vnto a request made by M^r Hatherley vnto the Court, that a jury might bee impannelled to make deuison of the lands in ptenorship betwixt John Williams, Seni^r, and Ensigne John Williams, his son, the Court did approue and appoint those whose names are vnderwritten to repaire vnto the house of M^r Anthony Eames, att the North Riuer, and there to giue meeting vnto Major Winslow ; and that a jury out of them bee impannelled to make deuison of the lands aforsaid, viz^t: Leiff James Torrey, Cornett Robert Studson, M^r Joseph Tildin, Walter Briggs, Isacke Chettenden, John Daman, Edwth Jenkins, John Hollett, Jeremiah Hatch, John Ottis, John

Turner, Junir, Mathew Gannett, Thomas Hiland, William Tickner, and Walter Woodward.

1662-3.

3 March.
PRENCE,
Gov^r.

M^r Hinckley is appointed by the Court to adminnester an oath to such as are to take theire oathes to the will and inventory of the estate of M^r Robert Linnell, deceased; and that Joseph Laythorp and Nathaniell Bacon be aded to the widdow Linnell to bee healpful to her in seeing the debts payed either out of the whole or p^te of the estate.

Letters of adminnistration are graunted vnto Jonathan Hatch and Lydia, the wife of Henry Taylor, to adminester vpon the estate of Thomas Hatch, deceased, to pay all lawfull debts owing from the said estate, and to bee reddey to giue account therof vnto the Court.

Memorand: that att the next June Court some course bee taken to settle the bounds betwixt Taunton and Secumcke, to preuent damage that might arise to the Indians by the neglect therof; and Captaine Willett is desired to take course to prevent the English in depasturing theire cattle neare the Indians corn to theire prejudice.

Att this Court, Leiftenant Torrey, Cornett Studson, and M^r Joseph Tildin were appointed by the Court to lay out the tract of land graunted to M^r Hatherley aboue Scittuate, according to the graunt, viz: to begine att the southernmost end of Accord Pond, and to goe noe farther northerly least it entrench vpon the Bay line.

This to bee done betwixt this date and the 15 of Aprill next.

*Att this Court, Josias Hallott and Thomas Starr, for gicing into the house of John Done, Junir, att Eastham, there being no body att home, and behaueing themselues vnciuilly therein, ransacking the house for liquors and drinking therof, and for writing and seting vp a libelouse and scandalouse paper of verses in the said house, and leaueing of it there, are sentenced by the Court to find surties for theire good behaiour vntill the next Generall Court, to bee holden att Plymouth the first Tusday in June next, and longer time if the Court shall see cause, and to pay for a fine, each of them, the sume of fifty shillinges.

[*35.]

Elisha Hedge and Samuell Sturgis, for being guilty in the said p^ticulars, though not soc deeply as the former, as is conceiued, are sentenced to find surties for theire good behaiour vntill the next Generall Court abouesaid, to bee holden att Plymouth the first Tusday in June next, and longer time if the Court shall see cause, and to pay, each of them, a fine of thirty shillinges.

| | | |
|---|---|--------------|
| Josias Hallott acknowledgeth to owe vnto our so ^u lord | } | 20 : 00 : 00 |
| the Kinge the sume of | | |
| Trustrum Hull the sume of | | 10 : 00 : 00 |

The condition, that if the said Josias Hallott bee of good behaiour Released.

1662-3.

towards our soū lord the Kinge and all his leich people, and appeer att the Generall Court to bee holden for this goūment att Plymouth the first Tusday in June next, and not depart the said Court without lycence; that then, &c.

3 March.
PRENCE,
Gov^r.

Thomas Starr acknowledgeth to owe vnto our soū lord }
the Kinge the sūme of } 20 : 00 : 00
Ralph Smith the sūme of } 10 : 00 : 00

Released, pay-
ing his fees.

The condition, that if the said Thomas Starr bee of good behavior towards our soū lord the Kinge and all his leich people, and appeer att the Generall Court to bee holden for this goūment att Plymouth the first Tusday in June next, and not depart the said Court without lycence; that then, &c.

Elisha Hedge acknowledgeth to owe vnto our soū lord }
the Kinge the sūme of } 20 : 00 : 00
Robert Denis the sūme of } 10 : 00 : 00

These bonds
are forfeited,
but since ten
pound fine ac-
cepted.

The condition, that if the said Elisha Hedge bee of good behavior towards our soū lord the Kinge and all his leich people, and appeer att the Generall Court to bee holden for this goūment att Plymouth on the first Tusday in June next, and not depart the said Court without lycence; that then, &c.

[*36.]

*Samuell Sturgis acknowledgeth to owe vnto our soū lord }
the Kinge the sūme of } 20 : 00 : 00
John Miller the sūme of } 10 : 00 : 00

Cleared of
these bonds,
paying his fees.

The condition, that if the said Samuell Sturgis bee of good behavior towards our soū lord the Kinge and all his leich people, and appeer att the Generall Court to bee holden for this goūment att Plymouth the first Tusday in June next, and not depart the said Court without lycence; that then, &c.

Att this Court, Ephraim Done, Thomas Ridman, John Knowles, and John Wilson, for trading of liquors with the Indians att Cape Codd, are fined, each of them, twenty five shillings.

Ephraim Done and Thomas Ridman, for pmiting the Indians to haue liquors in their boate, it appeering that one of the Indians was drunke therby, are fined, each of them, fifty shillings.

Concerning a rundelett of liquor found with one Peter, an Indian, none of the abouesaid owneing that they had helped the Indian to it, it is found to bee forfeited to the countrey; and for soe much of the liquor as is spent, that the said Indian bee required to make it good.

Ephraim Done acknowledgeth to owe vnto our soū lord }
lord the Kinge the sūme of } 40 : 00 : 00
John Knowles the sūme of } 20 : 00 : 00

Ephraim Done
was freed of
these bonds
October 10th,
1663.

The condition, that if the said Ephraim Done doe appeer att the Court to bee holden att Plymouth the first Tusday in June next, to make further

answar vnto such thinges as shalbee enquired of him consarning the death of Josias, the Indian sachem, att Eastham, and not depart the said Court without lycence ; that then, &c.

1662-3.

3 March.
PRENCE,
Gou^r.

John Knowles acknowledgeth to owe vnto our soũ } 40 : 00 : 00
lord the Kinge the sũme of }

Ephraim Done the sũme of 20 : 00 : 00

The condition, that if the said John Knowles doe appeer att the Court to bee holden att Plymouth the first Tusday in June next, to make further answare vnto such p̄ticulares as shalbee enquired of him concerning the death of Josias, the Indian sachem, att Eastham, and not depart the said Court without lycence ; that then, &c.

Abraham Sampson, for being drunke, fined ten shillings.

Thomas Lucas, for being drunke, it being the third time hee hath ben convicted and sentanced in the Court for being drunke, was sentanced by the Court to bee publickely whipt, according to the law, onely the execution therof is respited vntill hee shalbee taken drunke the next time, and then hee is to bee forthwith taken and whipt, without further p̄senting to the Court.

*Thomas Ridman acknowldige to owe vnto our soũ } 40 : 00 : 00
lord the Kinge the sũme of }

[*37.]

John Wilson the sũme of 20 : 00 : 00

The condition, that if the said Thomas Ridman doe appeer att the Generall Court to bee holden att Plymouth the first Tusday in June next, to make answare vnto such p̄ticulares as shalbee further enquired of them consarning the death of Josias, the Indian sachem, att Eastham, and not depart the said Court without lycence ; that then, &c.

John Wilson acknowldiget to owe vnto our soũ lord } 40 : 00 : 00
the Kinge the sũme of }

Thomas Ridman the sũme of 20 : 00 : 00

The condition, that if the said John Wilson doe appeer att the Court to bee holden att Plymouth the first Tusday in June next, to make answare vnto what further shalbee enquired of them consarning the death of Josias, the Indian sachem, att Eastham, and not depart the said Court without lycence ; that then, &c.

Att this Court, Moses Crooker and Richard Man were p̄sented before the Court for entering into the house of Edward Williams, of Scittuate, and ployning of his money and goods, and laying of gunpowder about his hearth soe as it fiered, to the endangering of the life of the said Williams, with other p̄nisious practices which proued injurious to the said Williams, for which they

1662-3.

3 Mareh.
PRENCE,
GOU^r.

Memorand.:
that the said
Thom:
Hinckley hath
paide five
pounds vnto
Edward Wil-
liams as of
satisfaction for
the wrong don
him by the
boyes.

were sentenced by the Court to bee both seuerly whipt, which accordingly was inflicted; and wheras the money and goods they tooke from the said Williams could not bee made good by them, nor satisfaction giuen for other injuries, the Court ordered them to bee put forth to seruice vntill each of them should attaine the age of twenty and one yeares from the date heerof, viz^d, the said Moses Crooker to liue with, continew and abide with John Williams, Senir, of Scittuate, the full tearme of eight yeares, hee being att the writing heerof of the age of thirteen yeares; hee, the said John Williams, paying vnto the said Edward Williams the sume of five pounds; and incase the said John Williams shall decease before the said time bee expired, that then hee shalbe att the dispose of the said John Williams for the remainder of his time, with the consent and approbation of the Court; and likewise the Court doth dispose of the said Richard Man to bee with and abide with M^r Thomas Hinckley, of Barnstable, or his assignes, with the approbation of y^e Court, after the mannor of an apprentice, the tearme of ten yeares from the date heerof, hee being att the writing heerof of the age of eleuen yeares; and incase the said Thomas Hinckley shall decease before the said time bee expired, that then the said Richard Man shalbee att the dispose of him, the said Thomas Hinckley, for the remainder of his time, with the consent and approbation of the Court.

[*38.]

The tearmes of
the p^rsentment
was for striking
and reuling by
oprobriouse
speeches, and
thrusting ouer
a boat thought
Will^m Walker.

*Att this Court, Ralph Smith, of Eastham, for breaking the peace in striking of Wil^m Walker, is fined 00 : 03 : 04.

And for other p^rticulares in the p^rsentment att October Court, 1662, considering hee hath agreed with the said Walker, and in p^rte made satisfaction, the Court doth heer pas it by.

And as conserning his former p^rsentment, conserning telsing of a lye and other injuries done by him to the towne of Eastham about a whale, the Court haueing onely fined him for the lye, haue respected the sensuring of him for the remainder vntill they haue further notice of his future walking.

Samuell Smith, for saying hee could find in his hart to thrust a pen into the said Wil^m Walker, was fined 00 : 03 : 04.

Nathaniel Church and Elizabeth Soule, for comitting fornication with each other, were fined, according to the law, each of them, 05 : 00 : 00.

Att this Court, this following order was directed to the towne of Taunton:—

Vpon the complaint of some of the inhabitants of Taunton, that some there haue gone about to alter the ancient way of distribution of lands in that towne formerly settled and long practised, wherby, besides many other incon-

veniencies that doe arise therby, some Indians that by the leaue of the towne had libertie to plant corne in the remote ptes of the townshipe are disturbed in the improuement of the said lands, to their great impouerishing, by such psons their taking vp such great quantities of land, which is ill resented by vs; wee doe therefore require them to desist from any such practice as that which wee feare may create much trouble and inconueniencye, vntill wee haue further inquired into the same.

The Courts order.

p me, NATHANIELL MORTON, Clark.

16623.

3 March.
PRENCE,
Gou^r.

**Att the Court of Assistants holden att Plymouth the fift Day of
May, 1663.*

1663.

5 May.

[*39.]

BEFORE Thomas Prence, Gou^r,
Wiltam Collyare,
John Aldin,
Josias Winslow,

Thomas Southworth,
Wiltam Bradford, and
Thomas Hinckly,

Assistants, &c.

IN answare vnto the desire of Stephen Bryant and Ephraim Tinkham, that some course might bee taken about some differences amongst their neighbourhood about the bounds of their lands, the Court haue ordered, that Wiltam Crow bee aded to those whoe the towne of Plymouth haue appointed to measure and settle the bounds of lands, that hee with them may endeauor to settle the said controuersy amongst them.

In answare vnto a petition preferred to the Court by Judith, the wife of Wiltam Peakes, of Scittuate, in reference vnto her son Josias Leichfeild, the adopted son of John Allin, deceased, the Court haue ordered and doe heerby giue libertie vnto the said Josias Leichfeild to choose two guardians, and to p^rsent them vnto the next Generall Court.

In answare vnto a p^rticulare in a letter directed to the Court from M^r Hatherley, wherein hee desired the Court would take other securitie for the estate of John Allin, there being noe other appeering to giue in securitie, doe heerby signify that they looke att him as standing bound and engaged vnto them in that behalfe, and are not willing to a release vntill some other doe appeer to bee engaged, and therefore doe aduise him to take the best course hee can to secure himselfe.

1663.

5 May.
PRENCE,
Gou^r.

Concerning the complaint of Thomas Butler in the behalfe of his son, Daniell Butler, against Wiltam Browne, for that the said Browne did neglect to deliuer two barrells of tarr to M^r John Barnes, of Plymouth, or. his assignes, which said tarr the said Browne receiued of the said Daniell Butler for that end and purpose, the Court haue awarded the said Wiltam Browne to pay vnto the said Daniell Butler two barrells of marchantable tarr with all convenient speed, and eight shillings for charges the said Butler hath bine att about the said suite.

Memorand : that Samuell Hineckley bee su^moned to appeer att the next Court, to giue oath to the will of M^r Samuell Hineckley, deceased.

Conserning the land graunted to Edward Gray att Namassakett, the Courts order about it is to bee vnderstood, that the said Edward Gray is to haue a double share of the said lands, both vpland and meddow, to bee layed out together ; that is to say, a double share of the said lands, to take it where hee would in the said tract, soe as hee tooke it together.

1 June.
[*40.]

**Att the Generall Court of Election held att the Towne of Plymouth, for the Jurisdiction of New Plymouth, the first Day of June, 1663.*

| | |
|--|----------------------|
| BEFORE Thomas Prence, Gou ^r , | Josias Winslow, |
| Wiltam Collyare, | Thomas Southworth, |
| John Aldin, | Wiltam Bradford, and |
| Thomas Willett, | Thomas Hineckley, |
| | Assistants, &c. |

M^r THOMAS PRENCE was chosen Gou^r, and sworne.

| | |
|---|---------------------------------------|
| Wiltam Collyare, | } were chosen Assistants, and sworne. |
| John Aldin, | |
| Thomas Willett, | |
| Josias Winslow, | |
| Thomas Southworth, | |
| Wiltam Bradford, and Thomas Hineckley, | |

M^r Thomas Prence and Major Josias Winslow were chosen comissioners for the following yeare.

And Cap^t Thomas Southworth is the next in nomination.
 M^r Constant Southworth was chosen Treasurer, and sworn.
 It was ordered by the Court that a ^ ^

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 1 June.
 PRENCE,
 GOV^r.
 [*41.]

*The Names of the Deputies that served at this Court.

| | |
|-------------------------------------|---------------------------------|
| M ^r John Howland, | Leiftenant James Wyate, |
| Robert Finney, | M ^r Anthony Thacher, |
| Ephraim Morton, | M ^r Yelverton Crow, |
| Nathaniell Warren, | Nathaniell Bacon, |
| M ^r Constant Southworth, | John Chipman, |
| William Paybody, | Ensigne Marke Eames, |
| Leiftenant James Torrey, | Leiftenant Peter Hunt, |
| Isacke Bucke, | Leiftenant John Freeman, |
| Thomas Tupper, Seni ^r , | Josias Cooke, |
| James Skiffe, | William Britt. |

One deputy from Taunton was returned backe, and one deputy from Marshfield was returned backe againe. M^r Stephen Paine, one of the deputies chosen for Rehoboth, could not appeer by reason of weaknes.

The Grand Enquest.

| | |
|------------------------------|--------------------------------------|
| John Morton, | John Russell, |
| Leiftenant Joseph Rogers, | Henry Sampson, |
| M ^r James Browne, | Robert Wheaten, absent, |
| John Willis, absent, | John Turner, Seni ^r , |
| John Dingley, | William Bassett, Juni ^r , |
| Edmond Freeman, | Peter Pitts, |
| Ensigne John Williams, | Thomas Howes, Juni ^r , |
| James Mathewes, | Thomas Tildin, |
| Thomas Laythorpe, | John Bryant, |
| Abraham Blush, | Benajah Pratt. |
| John Rogers, | |

The Constables of the severall Townes of this Jurisdiction.

| | |
|----------|-----------------|
| Plym̄, | Stephen Bryant. |
| Duxb̄, | John Sprague. |
| Scittū, | John Sutton. |
| Sandw̄, | Gor̄g Barlow. |
| Taunton, | Hezekiah Hoare. |
| Yarmoū, | Samuell Ryder. |

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| | | |
|-------------|-----------|------------------------------------|
| Barnst̄, | | Tristram Hull. |
| Marshfeill, | | { Wiltam Holmes, Justice Eames. |
| Rehoboth, | | Wiltam Carpenter. |
| Eastham, | | Edward Banges. |
| Bridḡw̄, | | Samuell Edson. |
| Acushenah, | | Wiltam Spooner. |

[*42.]

*The Surveyors of the Highwaies.

| | | |
|-------------|-----------|--|
| Plym̄, | | { James Cole, Seni ^r , Joseph Warren, Samuell Sturtivant. |
| Duxbū, | | { M ^r Samuell Sabery, Samuell Hunt. |
| Scit̄, | | { John Cushen, Wiltam Brookes. |
| Sand̄, | | { Thomas Burge, Seni ^r , Thomas Launder. |
| Taunton, | | { James Leanord, Samuell Smith. |
| Yarmoū, | | { John Joyce, Wiltam Eldred. |
| Marshfeild, | | { Thomas Doged, Anthony Snow. |
| Rehoboth, | | { John Peram, Seni ^r , Gilbert Brookes. |
| Bridgwater, | | { John Willis, Juni ^r , Samuell Allin. |

Freemen admitted this Court, and sworne.

| | |
|-----------------|-------------------|
| Jeremiah Howes, | Wiltam Carpenter, |
| John Miller, | Jonathan Sparrow, |
| John Reed, | Samuell Eaton. |
| Samuell Newman, | |

Att this Court, Cornett Studson was appointed by the Court to accompany the Treasurer in demanding and receiuing the moneyes due to the countrey from the purchasers of Kenebecke.

For diuers reasons and considerations, the Court haue suspended the

generall training for this yeare, and that the next yeare it bee observed att Yarmouth att the ordinary time of the yeare.

Leiftenant Wyate, Nathaniell Bacon, and Robert Finney were appointed by the Court to view the lands on the north side of Secunke, and make report thereof vnto the Court.

Ensigne Dexter is ordered by the Court to exersice the mililitary company of Sandwich in armes vntill the Court shall see reason otherwise to order.

*The Court haue ordered, concerning the disposing of the estate of Faith Clarke, widdow, deceased, that her daughter, Faith Dotey, widdow, shall haue a quarter p̄te, or one p̄te of foure, of the goods and chattles of the said Faith Clarke, her debts being discharged; and the remainder three p̄tes of four, or three quarters thereof, shalbee equally deuided betwixt her two sonnes, Henery and Thurston Clarke; and that Captaine Bradford and Joseph Andrewes shall make the said deuision, together with another whom the said Faith Dotey shall make choise of; and that the said Cap̄ Bradford and Joseph Andrewes shall take course that the debts due from the said estate bee de-frayed out of the same.

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PRENCE,
Gov^r.

[*43.]

Att this Court, Josias Leichfeild made choise of Leiftenant Torrey and Cornett Studson to bee his gaurdians, whoe were allowed and approued soe to bee by the Court.

Wheras John Allin, of Scittuate, and Anna, his wife, longe since tooke Josias Leichfeild as their adopted child, with purpose to bringe him vp, and to doe for him as their child, and soe faithfully pformed during the said Allin his life, and not long before his death was mindfull of him; yett being suddenly taken away, left not his mind soe full and p̄ticulare concerning him as hee intended and might haue bine desired; yett soe much appeered to the Court vpon oath as in their apprehensions carryed the true intent and force of a will. The said Josias haucing chosen Leiftenant James Torrey and Cornett Robert Studson his gaurdians, it was att this Court agreed between Anna, the relict of the said Allin, and the boyes abouenamed guardians, with the Courts approbation and likeing, that the said Josias should haue twenty pounds sterling payed into the hands of his said gaurdians about Michilmus next, by them to bee improued for him, and soon after that time to bee freed & to bee put forth to a trad, and conveniently fited out with suitable apparrell and nessesaries; and when hee shall come to the age of twenty one yeares, to bee possessed of the farme and appurtenances giuen him by the said John Allin, deceased.

Of this see
more, June
Court, 1665.

Of this will
heer expressed
see where wills
and invento-
ryes are re-
corded.

*The Court doe order, that M^r Collyares meddow bee recorded lying

[*44.]

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1 June.
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Gov^r.

about North Hill, haucing bin lately viewed by M^r Aldin and the Major Winslow, and bounded by a pine tree anciently marked standing on the north side of the brooke, and from theñ by a range of stakes a crosse the meddow to a marked three on the west or southwest side of the said meddow, all the meddowes lying on the southerly side of that range, and alsoe a little nooke of meddow lying downe the said brooke towards North Hill, containing about two acres.

The Court doe acknowledgē Gilbert Winslow, deceased, whoe was one of the first comers, to haue a right to land, and doe allow his heires to looke out and propose to the Court some pcell of land that the Court may thinke meet to accomodate them in.

Liberty is graunted to M^r Edmond Freeman, Seni^r, to looke out a tract of land to accomodate both himselve and the children of M^r Wilłam Paddy, deceased, viz], Samuell and Thomas Paddy, and to make report of it to the Court, that a competency may bee confermed vnto them, if it may bee, about a cedar swamp, by him named, soe as it bee found not to intrench vpon other mens right; if soe, hee may looke out elsewhere where it may bee found.

Liberty is graunted vnto Wilłam Crow, of Plymouth, in respect vnto his vnkell, M^r John Adwood, of Plymouth, deceased, to looke out for accomodation of land, and to make report therof to the Court, that soe a competency may bee allowed him.

M^r Hinekley, M^r Dexter, Seni^r, and M^r Constant Southworth are appointed by the Court to settle the bounds between the townships of Sandwich and Plymouth as soon as conveniently they can.

It is ordered by the Court, that a rate of forty pounds bee leued on the seuerall townes of this jurisdiction for the defraying of nessesary charges of the collonie, that they are nessesitated to expend att the p^sent; which said rate euery one is to pay his proportion which hee shalbee rated thervnto in money, or wheat att 4^s p bushell, to bee payed by the last of August next; of which rate the naighbourhood of Sowamsett is to pay thirty shillings, the naighbourhood att Acushena 10^s, and Bridgwater thirty shillings, in the speey aboue expressed.

Thomas Huckens is approued, and his former libertie renewed to keep an ordinary att Barnstable.

[*45.]

*Wheras there was a graunt by the Court of an adition of land vnto M^r Wilłam Bradford, Seni^r, as appeers vpon record, which was not layed out nor bounded in his life time; and wheras Captaine Wilłam Bradford, the son of the said M^r Wilłam Bradford, Seni^r, did make request vnto the Court that the

same might bee pformed ; the Court held att Plymouth on the third of October, 1662, did appoint M^r Wilłam Collyare and M^r John Alden, Assistants, to view and bound an addition adjoyning vnto the lands which the said Wilłam Bradford posseseth. Now, wee, the aboue named Assistants, haue, this twentyeth of May, 1663, viewed and bounded as followeth: on the north east from a smale rundelett that ruñeth downe to a place coñmonly called the Tus-sukes, and soe to range alonge northerley by Plymouth bounds next to the bounds of Duxburrow, and soe to the brooke that ruñes into black waters, to the place where the old path went to the bay, so rainging downe the brooke a mile in length.

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1 June.
PRENCE,
Gov^r.

WILŁAM COLLYARE,
JOHN ALDIN.

It is ordered by the Court, that those that are sett downe att Sowamsett be accounted to belonge to the towne of Rehoboth, and those that are sett downe att Saconeesett to belonge to Barnstable, and those that are sett downe att Namassakett to belonge to the towne of Plymouth vntill the Court shall see reason otherwise to order.

The major, the Treasurer, and Cornett Studson are appointed to agree with a workeman or workemen to reparaire the bridge att Joanses Riuer, or to erect a new one, as ocaation shall require.

The major and the Treasurer are appointed by the Court to agree with Wilłam Berstow to reparaire the bridge att the North Riuer ; and the charge therof is to bee leuied by rate on the seuerall townshipes of this goũment ; and for the quantity and specey therof, it is to bee as they, the said p̄ties, shall agree with workmen, and to bee made knowne that it may bee leuied by rate in October next after the date heerof.

Anthony Annable and Wilłam Crocker are appointed by the Court to bee adminestrators on the estate of Thomas Burman, and that they are to giue in securitie to the Court to saue the Court from all damage that may come to them by the said p̄ties theire administration.

Liberty is graunted vnto John Gorum to looke out some land for accomo- dation, and to make report therof to the Court, that soe a competency may bee graunted to him.

Ensigne Merricke is allowed and approued of by the Court to bee in the office of a leiftenant in the milletary companie of Eastham.

| | | |
|---|----------------|--------|
| *Elisha Hedge acknowledgeth to owe vnto our soũ lord | } 20 : 00 : 00 | [*46.] |
| the Kinge the suñe of | | |
| Edward Sturgis, Seni ^r , the suñe of | 10 : 00 : 00 | |

1663.

1 June.
PRENCE,
Gov^r.

Freed, paying
his fees.

Sensures.

The condition, that if the said Elisha Hedge bee of good behavior towards our soū lord the Kinge and all his leich people, and appeer att the Court to bee holden for this goument att Plymouth the first Tusday in October next, and not depart the said Court without lycence; that then, &c.

The Court being enformed that Joseph Rogers, of Namassakesett, hath frequently and from time kept companie with Mercye, the wife of Wilſam Tubbs, in a way and after such manor as hath giuen cause att least to suspect that there hath bine laciuiouse actes comitted by them, the Court sees cause and haue required the said Joseph Rogers to remoue his dwelling from Namassakesett aforsaid by the twentieth day of this instant June, and haue alsoe declared vnto him that if att any time hee shall bee taken att the house of the said Tubbs, or in the companie of the said Mercye Tubbs alone in any place, that then hee shall forth with bee taken and seuerly whipt; and the said Wilſam Tubbs was by the Court strictly charged not to tollerate him to come to his house or where hee hath to doe att any time, as hee will answare the same att his pill.

The abonesaid Joseph Rogers, for his contentious departing from the Court held att Plymouth the last March without licence, being bound to appeer and attend the said Court to answare for matter of fact, is fined five pounds to the collonies vse.

Fines.

Christopher Winter, for neglecting to frequent the publicke worship of God on the Lords day, is fined ten shillings.

Timothy Hallowey, for being drunke, fined five shillings.

John Shilley, for playing att cards on the Lords day, fined 20^s.

Nathaniell Fitsrandall, for comiting fornication, fined ten pounds; hee hath liberty vntill the next October Court to pay the fine, or suffer corporall punishment.

Edward Sturgis, for bringing in liquors into the towne of Yarmouth, and not giueing seasonable notice therof to the men appointed to take the inuoyce therof, is fined the sume of six pounds, wherof foure pound to the collonies vse and forty shillings to the said inuoycers.

[*47.]

*The lands that M^r Constant Southworth and Wilſam Paybody layed out in consideration of the graunt of lands to Captaine Myles Standish att Satuckett Pond lyeth on the north side of the mouth of Winnatucksett Riuer, the said riuer being the bounds on the south side buting vpon Satuckett Riuer, being the bounds on the west end, ruūing in length from Satuckett Riuer into the woods 160 rodds east and by north, ruūing in breadth north and by west from the abonesaid Winatucksett Riuer to a great white oake tree burnt att the bottome, and a ridd oake tree marked standing close by it; alsoe, a smale

tract of meddow land lying att the head of Satuckett Pond, containg about four acres more or lesse, in pte of the graunt of competency to such a tract of vpland.

In answare vnto a petiōn pfered to the Court by M^r Thomas Cushman, Thomas Clarke, and Thomas Pope, the ourseers of the estate of Mistris Sarah Jeney, deceased, in reference vnto a mare disposed of by the Treasurer in the behalfe of the countrey, the Court haue allowed them, in reference vnto the children of the said Mistris Jeney, the first horse beast, bee it horse or mare, that shalbee found to belonge vnto the countrey.

And in answare vnto a petition prefered to the Court by M^r Thomas Bourne, of Marshfeild, concerning a horse hee layed claime vnto, the Court haue left the case relateing to that controuersy as they found it, and see noe light to acte further in it.

M^r Timothy Hatherley is appointed and deputed by the Court to adminester marriage within the township of Scittuate for the following yeare, as alsoe to adminester an oath to any witnesses to giue testimony to the grand enquest as occation shall require, as alsoe to any witnesses to giue euidence to the Court for the triall of any cause, and likewise in his ma^{ties} name to issue forth warrants and summons to warne any pson of the towne of Scittuate psonally to appeer att the Court att Plymouth to answare any suite as occation shall require this following yeare.

M^r John Done is appointed by the Court to adminester marriage within the township of Eastham for this following yeare, and to adminester an oath to any witnesses to giue euidence to the grand enquest, and alsoe to any witnesses to giue euidence to the Court for the tryall of a cause to any within the towne of Eastham for this following yeare.

*Gorġ Vaughan, of Marshfeild, vpon his p^sentment for not attending the publicke worship on the Lords day, fined, according to order, ten shillinges.

[*48.]

Fines and sentences.

Wiltam Paule, of Taunton, fined for drunkenes, it being the 2^{cond} time, ten shillinges.

The same Paule, for breach of the peace, three shillinges and four pence, and for prophane swearing that hee bee sett in the stockes as the constable shall haue order, and for his not appeering to his summones hee is fined twenty shillinges.

John Hathewey, for his breach of the peace, fined three shillinges and four pence.

John Doged, of Rehoboth, being by Captaine Willett convicted of two lyes, is fined twenty shillinges.

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1 June.
PRENCE,
Gou^r.

1663.

1 June.
PRENCE,
Gou^r.

It is ordered by the Court, that Edward Perrey bee called to account in convenient time for a rayling letter which hee wrote to the Court.

It is agreed and ordered by the Court, that in due and convenient time Willam Nicarson bee required to make satisfaction for his breach of the law prohibiting any to buy or hier any lands of the Indians without lycence and by order of the Court.

It is ordered by the Court, that a letter shalbee drawne vp as from the Court, and sent to Road Iland, in answare to theires, and likewise the Court haue declared themselues that they see noe cause to admitt of a treaty with them concerning our lands claimed and pretended by them to bee purchased, it being but to make a dispute in matters that are cleare and out of controuersy.

[*49.]

*It is ordered by the Court, that a convenient, hansome rome bee aded to the Gou^rners house, and that the charg^e of the building therof bee defrayed out of the pay for Kenebecke, if that kind of pay will doe it; and if not, then a p^orte of those goods, and the rest to bee raised by rate; and that the major, the Treasurer, and Cornett Studson are impowered to take course for the procuring of the thinge done, on such conditions as they can.

The sum^e of thirty pounds is allowed to the Gou^r for his extreordinary charges this yeare, in the best pay that wee can make it.

It is ordered, that the Treasurer bee requested to provide for the majestates table, as formerly.

4 August.
[*50.]

**.At the Court of Assistants held at Plymouth the fourth Day of August, 1663.*

BEFORE Thomas Prence, Gou^r,
Willam Collyare,
John Aldin,

Josias Winslow,
Thomas Southworth, and
Willam Bradford,

Assistants, &c.

V PON the motion of Mr Hatherley and Mr Tildin, in the behalfe of the widow, Mistris Lydia Garrett, of Scittuate, to haue libertie to sell stronge liquors, in regard that sundry in that towne are oft times in nessesitie therof, this Court doth giue libertie vnto the said Lydia Garrett to sell liquors, alwaies provided that the orders of Court concerning selling of liquors bee obserued, and that shee sell none but to house keepers, and not lesse than a gallon att a time.

Libertie is graunted vnto Thomas Leanard, of Taunton, Seni^r, to sell stronge liquors and wine in the said towne betwixt this date and the Court to bee holden att Plymouth in June next, and that hee obserue the orders of Court as are extant about selling of liquors and wine, and that hee keep good order in his house with them to whom hee sels any.

Joseph Andrews fined fiue shillings for refusing to serue on a jury for the laying out of highwaies att Duxburrow, being summoned thervnto.

Memorand: that John Sutton bee summoned vnto the next Generall Court, to giue an account of the deuision and disposall of the estate of Samuell House, deceased, incase M^r Tildin and hee doe not end it in the interem; and that notwithstanding hee bee summoned to giue in securitie for the said estate and the disposall therof vnto the Court.

Richard Bourne and Myles Blacke were appointed by the Court to purchase the land of the Indians that M^r Freeman hath graunted vnto him and the children of M^r Paddy by the Court, and likewise to sett apart such a portion of the ceader swampe that is therein as shalbee behoofefull and by them thought competent for the neighbourhood residing att Mannomett.

1663.

4 August.
PRENCE,
GOV^r.

**Att the Generall Court held att Plymouth the fift of October, 1663.*

5 October.

[*51.]

BEFORE Thomas Prence, Gov^r, Thomas Southworth,
 Wiltam Colyare, Wiltam Bradford, and
 John Aldin, Thomas Hineckley,
 Josias Winslow,

Assistants, &c.

THE inhabitants of the towne of Taunton haueing seuerall times, for diuers yeares, complained of the straightnes of the bounds of their towne, and haueing petitioned the Court for some enlargment, the Court, haueing desired some to take a view of what they haue desired, and finding that it is not likely to bee prejudiciall to any, they graunt as followeth, viz^s: that the path which goeth from Namassakett to Assonett Riuer bee their bounds on the southeast, and soe by a line from thence to Baiting Brooke, and from Baiting Brooke a north line till it meet with their opposite line called the Longe Square, prouided that it come not within two miles of Tetacutt; alsoe, it is graunted that the inhabitants of Taunton that haue interest in the

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GOU^R.

iron workes there shall haue free libertie to cutt wood on those lands for the vse of their iron workes, but not any foraigner excepting Richard Church, of Hingham.

Letters of adminnstration is graunted vnto Lydia Rawlins, widdow, to adminnester on the estate of Nathaniel Rawlins, deceased.

Captaine Willett is requested to adminnester an oath to the widdow Abell, of Rehoboth, for the truth of the inventory of the estate of Robert Abell, deceased.

Memorand: that the Court doe consider of the condition of Naomy Siluester, widdow, her deceased husband haueing by his last will and testament left, in an absolute way, but a smale, inconsiderable pte of his estate vnto her; that the Court take some prudent course that shee bee considered with that w^h may bee thought convenient in that respect, shee haueing approued herselfe, as appeers by the testimony of some of her naighbours, to bee a frugall and laborious woman in the procuring of the said estate.

In answare to a complaint made by Gorge Allin, of Sandwich, about the straightnes of a way from his house to the comon, the Court haue ordered Benjamin Nye, Edmond Freeman, Juni^r, and Thomas Tobey to lay out the said way, which is to bee thirty foot wide, and with as little pjudice as can bee vnto any.

The Court doth allow vnto three Indians that came to the Court to answare the complaint of Ephraim Done, the said Done not appeering att the last Court to prosecute his complaint, to each of them five shillings.

[*52.]

*Leiftenant Torrey, John Bryant, and Wiltam Barstow are appointed by the Court to lay out a certaine tract of land, formerly graunted to M^r Hatherley, aboue Seittuate bounds, next Accord Pond, which said land is to bee layed out according to an order of Court bearing date March, 1662.

The Court certified to the towne of Seittuate, that they require them to appoint two men whoc they shall thinke meet to be aded to Leiftenant Torrey, John Bryant, and Wiltam Barstow, to run the line of Seittuate betwixt Indian Head Riuer Pond and Accord Pond; and incase the towne shall neglect to choose two men, then the Court appoints the said Leiftenant Torrey, John Bryant, and Wiltam Barstow to run the said line, and this to bee done by the 26 of this instant October.

| | | |
|---|---|--------------|
| Marcye Tubbs acknowledgeth to owe vnto our soñ lord | } | 20 : 00 : 00 |
| the Kinge the suñe of | | |
| Wiltam Tubbs the suñe of | | 10 : 00 : 00 |

Cleared.

The condition, that if the said Marcye Tubbs bee of good behavior towards our soñ lord the Kinge and all his leich people, and appeer att the

Court to bee holden att Plymouth the first Tusday in March next, and not depart the said Court without lycence ; that then, &c.

1663.

Joseph Rogers acknowledgeth to owe vnto our soū }
 lord the Kinge the sume of } 20 : 00 : 00
 Wiltam Randall the sume of } 10 : 00 : 00

5 October.
 PRESENCE,
 GOU^r.
 Released.

The condition, that if the said Joseph Rogers bee of good behavior towards our soū lord the Kinge and all his leich people, and appeer att the Court to bee holden att Plymouth the first Tusday in March next, and not depart the said Court without lycence ; that then, &c.

The abouesaid Mareye Tubbs and Joseph Rogers, for their absean and laciuous behavior each with other, cleared against them by the trauers of a p̄sentment against them, were centanced by the Court to find sureties for their good behavior as abouesaid, and fined each fifty shillings for the vse of the collonie.

Wiltam Norkett, for com̄itting fornication with his now wife, fined five pounds.

Nehemiah Bessey, for drinking tobacco, att the meeting house att Sandwich, in the time of exerceyse on the Lords day, was fined five shillings.

Thomas Ingham, vpon his p̄sentment for detaining yerne from sundrey psons whoe brought it to him to bee wove, is fined ten shillings.

Ralph Earle, for drawing his wife in an vnciuell manor on the snow, is fined twenty shillings.

Richard Berry, and Wiltam Griffin and his wife, and Richard Michell and his wife, for playing att cards, fined each of them forty shillings, according to the law, to the vse of the collonie.

These fines are since remited by the Court held in March, 1663.

Abraham Peirce, Jun^r, to bee sumōned to appeer before the major and M^r Aldin to answare for his abusie speeches vsed to his father, and if they shall see cause, to bind him ouer to answare it att the Court.

*The Rates that were leuied on the seuerall Townshipes of this Jurisdiction for the Charge of the Majestrates Table and of the Com̄issioners and other nessesary Charges of the Collonie, viz^s, the Officers Wages, &c.

[*53.]

| | |
|-----------------------|--------------|
| Plymouth, | 10 : 03 : 06 |
| Duxborrow, | 05 : 15 : 00 |
| Scitteatt, | 16 : 12 : 09 |
| Sandwich, | 09 : 06 : 02 |
| Taunton, | 09 : 06 : 02 |
| Yarmouth, | 09 : 06 : 02 |
| Barnstable, | 10 : 03 : 06 |

1663.

5 October.
PRENCE,
Gou^r.

| | |
|-----------------------------------|--------------|
| Marshfeild, | 09 : 06 : 02 |
| Rehoboth, | 13 : 17 : 09 |
| Eastham, | 07 : 08 : 06 |
| Bridgwater, | 04 : 02 : 06 |
| Sowamsett, | 06 : 17 : 00 |
| Coaksett and Cushenett, | 02 : 10 : 00 |

The abouesaid p̄ticulars were ordered by the Court to bee payed in wheat att 4^s 6^d p bushell, or in mault att 4^s 6^d p bushell, soe much therof as respects the charge of the majestrates table, with other nessesary charges of the collo- nie, excepting the officers wages, which is to payed in Indian corne at three shillings p bushell.

1 December. **Att the Court of Assistants held att Plymouth the first Day of*
[*54.] *December, 1663.*

| | |
|--|----------------------|
| BEFORE Thomas Prence, Gou ^r , | Thomas Southworth, |
| Wiltam Collyare, | Wiltam Bradford, and |
| John Aldin, | Thomas Hinckley, |
| Josias Winslow, | |
| Assistants, &c. | |

IN answare to Richard Chadwell his complaint of wronge done vnto him by the laying out of a way through his ground, through a wronge enfor- mation giuen vnto the Court by Gorge Allin, of Sandwich, the Court haue ordered, that the way formerly layed out by M^r Vincent, M^r Freeman, and Richard Bourne shall stand as formerly, onely that the place att the turning, where it was so straight, shalbee made wider; and those men abouenamed shall further order matters about that way as occation shall require.

Vpon the complaint of Samuell Chandeler, that the range of the land is not sett betwixt Moses Simons & himselfe, the Court haue ordered Wiltam Paybody, Phillip Delanoy, and Leiftenant Nash to run the range of the said land, according to theire best intelligence and with the best care they can.

Att this Court, Thomas Pope and Gyles Rickard, Seni^r, for breaking the Kinges peace by striking each other, were fined each three shillings and foure pence; and concerning the said Pope his takeing away a certaine p̄cell of wood from the said Rickards dore, which was the occation of the abouesaid

breach of peace, the Court haue ordered, that the said Pope shall returne the said wood againe; and for the said Thomas Pope his striking of the said Rickards wife, and for other turbulent carriages in word and deed, the Court haue centanced him to find surties for his good behaiour vntill the Generall Court to bee holden for this goũment the first Tusday in March, and for longer time if the Court shall see reason.

1663.
 1 December.
 PRENCE,
 GOV^r.

Thomas Pope acknowledgeth to owe vnto our soũ lord }ⁱⁱ
 the Kinge the sũme of } 20 : 00 : 00
 Samuell Dunham the sũme of ten pounds.

The condition, that if the said Thomas Pope bee of good behavior towards our soũ lord the Kinge and all his leich people, and doe appeer att the Generall Court to bee holden for this goũment att Plymouth the first Tusday in March next, and not depart the said Court without lycence; that then, &c. Freed of these bonds.

Att this Court, Wiltam Nicarson, Seni^r, being summoned, appeered to answare for his purchasing of land of the Indians att Mannamoiett, contrary to order of Court, and owned the same, but sayed that hee had done the same of ignorance, &c, and intreated the mercye of the Court in that behalfe.

**Att the Generall Court holden att Plymouth the first Day of March, Anno Doñi 1663.*

1663-4.
 1 March.
 [*55.]

| | |
|----------------------------|----------------------|
| BEFORE Thomas Prence, Goũ, | Thomas Southworth, |
| John Aldin, | Wiltam Bradford, and |
| Thomas Willett, | Thomas Hinckley, |
| Josias Winslow, | |

Assistants, &c.

ATT this Court, a bill of inditment was prefered against Samuell Howland, of the towne of Duxburrow, in the jurisdiction of Plymouth, in New England, in America, for that by discharging of a fowling peece on the body of Wiltam Howse, late of Sandwich, in the jurisdiction aforesaid, on the twenty fift of October, anno Doñi 1663, att a place coũmonly called the High Pyne, on the Salt House Beach, in the said jurisdiction, wherby the said House was wounded, languised, and ymediately died.

And the said Howland, being demaunded by whom hee would bee tryed, answered, by God and the countrey.

The names of the jury that went on this tryall are as followeth:—

1663-4.

1 March.
PRENCE,
Gov^r.

sworne,

{ Mr Josias Winslow, Seni^r,
Edward Jenkins,
M^r Nicholas Pecke,
Isacke Chettenden,
Thomas Burge, Seni^r,
James Walker,

sworne,

{ John Tisdall,
Samuell Fuller,
Joseph Bedle,
Wiltam Swift,
Myles Blacke,
Wiltam Barstow.

The verdict of the said jury is as followeth, verbatim : —

Not guilty of wilfull murder ; yett wee find that the said House receiued his deadly wound by Samuell Howlands gun going of as it lay on his shoulder.

Vpon the receiuing the said verdict, the said Samuell Howland was openly cleared and sett att liberty, hee discharging all nessesary charges of his imprisonment.

[*56.] *John Briggs, Seni^r, of Taunton, for breakeing the Sabbath, fined ten shillings, according to order.

Timothy Hallowey, of Taunton, for misdemenor in frequent kising the wife of John Hathewey, and for being att the house of the said Hathewey att vnseasonable time, and for neglecting to appeer att Court according to sumons, fined twenty shillings.

Ensigne Wiltams and John Bayley, for breakeing the peace by striking one another, fined each 00 : 03 : 04.

Richard Willis and Joseph Sauory, for breaking the peace by striking one another, fined each 00 : 03 : 04.

These two weemen were entanced either to sit in the stocks during the pleasure of the Court or to pay the fines heer mencioned, and they chose to pay the fine.

Ann, the wife of Wiltam Hoskins, for speaking most laciuiouse and filthy language to Hester Rickard, fined twenty shillings.

Hester, the wife of John Rickard, for most abcean and filthy speeces, fined twenty shillings.

Richard Willis and Francis Baddow, for breach of the Sabbath, fined each ten shillings.

Robert Ransome, for breach of the Sabbath, fined ten shillings ; the said Ransom, for his turbulent and clamorvs carriage in the Court, was comitted to ward during the pleasure of the Court.

Henery Green, of Taunton, for breach of the peace by striking Phillip Leanard, fined 03 : 04.

In referrence to Anthony Annables p^sentment the Court orders, that it bee signified to him that they looke att it as a rash acte of him, worthy of blame, yett soe as judging that it was not any wilfull intension of his to

remoue any land markes, properly soe called, and therefore passe it by, yett withall conceiue the grand enquest might see cause, by reason of theire oath, to p̄sent it.

Att this Court, fīue Indians, for abusing Robert Shelley, of Barnstable, by coming one euening into his house and affrighting his family, and other abuses att that time by them offered, were all sentenced to sit in the stockes on some publicke day of meeting, att the discretion of M^r Hinckley; and likewise they are to pay vnto the said Robert Shelley, each of them, fīue shillings in worke or otherwise.

*Concerning Robert Harper, for his intollorable insolent disturbance both of the congregation of Barnstable and Sandwich, and for his abusiue and causles railing vpon M^r Walley and M^r Wiswell, the Court haue sentenced him to bee now publickly whipt, which accordingly was inflicted.

Richard Willis, for rebaldry speeches by him spoken, was sentenced to site in the stockes, which accordingly was p̄formed.

Abraham Hedge, for pound breach, fined fifty shillings.

An Indian was complained on, att this Court, for abusing of Humphery Tiffeny; this was refered to Cap^t Willett to heare and determine.

Att this Court, Thomas Lucas was publickly whipt for being drunke the third time. Hee was sentenced formerly for being drunke the third time; neuertheles the execution therof was respected vntill hee should bee found drunke againe, which accordingly was witnessed against him, and soe the said punishment was inflicted on him as aforesaid.

Att this Court, Isacke Gurney, for pilfering and other disorderly liueing, was sentenced by the Court to bee whipt, which according was inflicted.

An Order of Court directed to the Townsmen of Scittuate concerning the said Gurney.

To the Townsmen of Scittuate.

These may certify, that Isacke Gurney, whoe was complained against by some of youers for pilfering and other disorderly liueing, hath for the same receiued such punishment as wee judged hee was capeable of beareing; and not finding that hee doth soe properly belonge to any other place as to your town, wee can doe noe lesse then send him backe vnto you, with order that hee bee prouided for according to his condition, and that such as you shall place him with doe soe order and goũn him as that soe farr as hee is able hee may bee made to worke for his liueing; and that wheras some extraordinary charge hath arisen by his imprisonment, that it bee by you repayed.

1663-4.

1 March.
PRENCE,
Gov^r.

[*57.]

1663-4. And accordingly the said Gurney was by warrant returned from constable to constable backe to Scittuate.

1 March.
PRENCE,
GOU*.

Att this Court, Wilham Maaz, of Taunton, for swearing profanely, sentenced to sitt in the stockes att Taunton on some publicke meeting day; an order to bee sent vp about it.

[*58.] *A Note of the pticulares of the Liquors that haue bin brought into the Towne of Yarmouth since May, 1663, and enuoyced.

Item, Edward Sturgis, Seni^r, & M^r Hedge, one anker.

Item, Edward Sturgis, one anker in June, (63.)

Item, Edward Sturgis, 10 gallons of sacke & 12^{ll} of lead.

Item, M^r Hedge, a quarter caske of liquors, and one barrell of powder, and 100^{ll} of shott, and 50^{ll} of ledd.

December, (63.)

Item, Samucll Sturgis, 10 gallons.

Item, Edw^o Sturgis, Seni^r, 10 gallons.

Item, Edw^o Sturgis, Juni^r, 10 gallons.

Item, Elisha Hedge, 10 gallons.

Item, M^r Hedge, 10 gallons & fise cases.

Item, Samucll Sturgis, 86^{ll} of shott, & 14^{ll} of powder & an halfe.

Item, Elisha Hedge, 8 pound of powder.

Item, M^r Hedge, 20^{ll} of powder, & 100^{ll} of shott, & 40 or 50^{ll} more.

Item, Robert Eldred, 8 pound of shott.

Item, M^r Thacher, 3 cases.

January, (63.)

M^r Hedge, Edw^o Sturgis, Seni^r, & Samucll Sturgis, 17 gall.

Nathaniell Couell, 10 gallons.

Teage Jones, 10 gall^t enuoyced, and one case forfeite to the country.

Richard Michell, 10 gall.

ANTHONY THACHER,
ROBERT DENIS

The Account of the Wine, Liquors, Powder, and Shott that hath bine giuen in to mee, that hath bin brought into Barnstable.

The first of Aprill, (63.)

Thomas Huckens, for himselfe, 4 or 5 and 30 gall^t of wine and 9 gallons of brandy.

1663-4.

1 March.
PRENCE,
Gov^r.

For Joseph Laythorp, 10 gallons of rum ; and another time, for Nicholas Daus & his man, 4 gallons of liquors ; the next time hee brought a case of liquors and halfe a hundred of shott.

Trustrum Hull, the 4th of June, (63,) 100 gallons of liquors ; and in Nouember, (63,) six cases of liquors, and a barrell of powder, & 200 waight of shott, for M^r Thomas Clarke ; hee brought about 20 gal^t of rum.

February 29, (63.) p me, JOSEPH LAYTHORP.

*In reference to the longe and troublesome controversye between John Jacob and John Sutton, now att length comeing before vs in a way of chancery, wee, haueing seriously considered the case both as formerly att large possessed of it and as now it stands, see cause to remitt of the bonds forfeited the some of twenty three pounds ; and doe adjudge that John Sutton doe pay, or cause to bee payed, vnto John Jacob, between this and the 29th day of the next September, in current pay, att a current prise, att the house of Gorge Russell, of Scittuate, the sume of twenty seauen pounds, which incase hee doe not, that then the said Jacob shall haue an execution to bee forthwith leuied on his estate for the abouesaid sume of twenty seauen pounds ; and that the said John Sutton is to giue the said John Jacob sufficient notice of the time of the deliuey of the said sume att the place abouenamed.

[*59.]

In reference vnto the complaint of Richard Tayler, of the Rocke, against Thomas Starr, that hee had taken a peece of timber a way from him, the Court haue ordered the said Thō Starr to returne vnto the said Rich Tayler another peece of timber as good as that hee tooke away by the 22^{cond} of this instant March, and to pay all damages the said Tayler hath bine att about the recouery of the said peece of timber ; which if hee shall neglect to doe, hee shall pay vnto the said Rich Tayler three pounds, out of which sume hee is to take his said charges.

ii s d

The charge comes in all vnto 01 : 09 : 06

Forasmuch as great wronge hath bin don by diuers of the inhabitants of the towne of Plymouth, for want of bounds of the first lotts towards Plain Dealing, the Court doth order, that the want of measure in the breadth of the lotts on the south side of the lotts of M^r John Winslow shall haue their measure on the south side vpon the comon about the acres, and that Sarjeant Morton and Gorge Bonum lay them forth att the first oppertunity, and giue in to the clarke what bounds they make, to prevent trouble for the future.

*Concerning the complaint of John Allin, of Sandwich, against Keencomsett, that hee hath not satisfied an agreement, bearing date June 3, 1663, about the killing of a mare, the Court hath ordered, that wheras the said

[*60.]

1663-4. Keencomsett, by his agents, hath left three barrells of oysters with Nicholas Davis, by the said Allins former order, that hee shall accept of them as pte of pay for the said mare, att prise current.

1 March.
PRESENCE,
GOV^r.

This Court, takeing notice of such euidence as hath bin produced for the clearing of a controuersy between John Tompson, plaintiffe, and Richard Wright, in reference to a pcell of land att Namassakett, doe allow an agreement between the said pties, which was ordered heer to bee entered, as followeth, viz: that the said pties shall haue equall share of the land allotted to Francis Cooke att Namaskett aforesaid, prouided that they bee equall in bearing the charge about the said land.

In regard of much abuse of liquors in the towne of Yarmouth, this Court doth call in any lycence formerly giuen to Edward Sturgis, Seni^r, and doe require that hee forbear to draw wine or liquors for the future without further order from the Court.

And likewise, vnderstanding that James Leanard, of Taunton, haueing buried his wife, and in that respect not being soe capeable of keeping a publicke house, there being alsoe another ordinary in the towne, doe call in the said Leanard his lycence.

Richard Bullocke, of Rehoboth, is alowed by the Court to keep the ferrey there, soe that hee make a horse boate to ferrey ouer horses, and is alsoe lycenced to sell liquors to strangers and passengers, but not to towne dwellers.

Concerning the complaint of the sachem, Phillip, that some of the English of Rehoboth haue felled some quantity of timber in a swamp belonging to him, the Court haue refered the hearing and determining of the said case to Cap^t Willett.

In reference to the complaint of Thomas Greenfeild against Henry Saunders, for killing of the said Greenfeilds cow, the Court doth order him to returne as good a cow, or the vallue therof.

‡In reference vnto the complaint of Humphrey Tiffency, of Rehoboth, that an Indian there hath offered him some abuse, this ^ refered to Capitaine Willett to heare and determine.‡

[*61.] *Cap^t Willett is appointed by the Court to take securitie of Mistris Newman, in the behalfe of the Court, for adminnestration on the estate of M^r Samuell Newman, decesed.

Eres of adminnestration graunted vnto the said Mistris Newman, together with her son, M^r Samuell Newman, Juni^r, to adminnester on the said estate.

Eres of adminnestration graunted vnto the widdow, Joannah Abell, to adminnester on the estate of Robert Abell, decesed.

Cap^t Willett is likewise ordered by the Court to take securite of her, in the Courts behalfe, for her true and faithfull administration on the said estate.

Eres of administration graunted to M^r Nicholas Pecke and Samuell Pecke to adminnester on the estate of M^r Joseph Pecke, deceased.

Eres of administration graunted to John Ensigne to adminnester on the estate of Thomas Ensigne, deceased.

Att this Court, Thomas Rogers, of Eastham, was pmitted and authorised by the Court to adminnester vpon the estate of Joseph Rogers, Jun^r, deceased, as his heire.

M^r Thomas Walley, Jun^r, and M^r Wright, are allowed by the Court to retaile stronge liquors att Barnstable, soe that they sell not lesse then a gallon to any, and that they giue in an account therof, and the psons to whom sold.

M^r Hinckley is appointed by the Court to adminnester an oath to the widdow Lewis for the truth of the inventory of the estate of Gorge Lewis, deceased, and to take securitie in the Courts behalfe for her true and faithfull administration on the said estate.

And likewise M^r Hinckley is authorised by the Court to adminnester an oath to the witnesses of the last will and testament of Mistris Jone Swift, deceased.

| | |
|--|----------------|
| The 30 th of March, 1664. Thomas Lucas acknowledg- | } 20 : 00 : 00 |
| eth to owe vnto our so ^u lord the Kinge the sūme of | |
| Stephen Bryant the sūme of | 05 : 00 : 00 |
| And Gorge Bonum the sūme of | 05 : 00 : 00 |

1663-4.

1 March.
PRENCE,
Gou^r.

1664.

30 March.

The condition, that if the said Thomas Lucas bee of good behavior towards our so^u lord the Kinge and all his leich people, and appeer att the Generall Court to bee holden for this goūment att Plymouth the first Tuesday in June, 1664, and there bee redly to answare for his abusing of his wife to her danger and hazard, as alsoe for his railing and reuiling others, to the disturbance of the Kings peace, and not depart the said Court without lycence; that then, &c.

Released June 11th, 1664.

| | |
|---|-------------------------|
| *April 7 th , 1664. Will ^m Witherell acknowledgeth to | } ¹¹ 20 : 00 |
| owe vnto our so ^u lord the Kinge the sūme of | |
| Hezekiah Hore the sūme of | 10 : 00 |

[* 62.]
7 April.

The condition of the aboucsaid obligation is, that if Will^m Witherell bee of good behavior towards our so^u lord the Kinge and all his leich people, and especially to keep from libelling, and appeer att the Generall Court to bee holden att Plymouth the first Tuesday in June next, and not depart the same without lycence; that then, &c.

Released.

| | |
|--|-------------------------|
| Gyles Gilbert acknowledgeth to owe vnto our so ^u lord the | } ¹¹ 20 : 00 |
| Kinge the sūme of | |
| Gor ^g Watson the sūme of | 10 : 00 |

1664.

7 April.
PRENCE,
Gov^r.
Released.

The condition of the abovesaid obligation is, that if Gyles Gilbert bee of good behavior towards our soũ lord the King and all his leich people, and especially to keep from libelling, and appeer att the Generall Court to bee holden att Plymouth the first Tusday in June next, and not depart the said Court without lycence ; that then, &c̄.

The cause of the bonds aboue written is, that wheras James Walker, being a p̄tenor in the saw mills att Taunton, complained of great hurt done to the said saw mill by soũ p̄sons that came in the night in a felonious manor and stole away seuerall things, and did great spoile, and left a libellous paper behind them ; and it being suspected that the abouebounden Wiltam Witherell and Gyles Gilbert were the p̄sons, or some of them, that haue done the said mischiffe, they, the said Wiltam Witherell and Gyles Gilbert, being suũoned, appeered att Plymouth before the Goũ and Captaine Southworth, on the day and yeare first aboue written, and being examined, it appeered that they were guilty in the aforesaid p̄ticulares, and therefore the said majestrates saw cause to take the said bonds of them for their good behavior, &c̄.

3 May.
[*63.]

**Att the Court of Assistants held att Plymouth the 3^d Day of
May, 1664.*

BEFORE Thomas Prence, Goũ,
Josias Winslow, and

John Aldin,

Assistants, &c̄.

Released.

ATT this Court, Joseph Gray and Samuell Linkorn, being suũoned, appeered to answare for being p̄tenors in doeing great hurt to the saw mill att Taunton, coming in the night in a felonious manor, and leaueing a libellous paper behind them, &c̄ ; and being examined about the p̄mises, owned that they were guilty therin, and therefore for the p̄sent were sentanced to find surties for their good behavior.

| | |
|--|------------------------------|
| Joseph Gray acknowledgeth to owe vnto our soũ lord | } ⁱⁱ 20 : 00 : 00 |
| the King the suũe of | |
| Gorge Watson the suũe of | 10 : 00 : 00 |

Released.

The condition, that if the said Joseph Gray bee of good behavior towards our soũ lord the King and all his leich people, and especially to keep from libelling, and appeer att the Generall Court to bee holden att Plymouth the first Thursday in June next, and not depart the said Court without lycenũ ; that then, &c̄.

Samuell Linkorn acknowledgeth to owe vnto our sofl }^{ll}
 lord the King the sume of } 20 : 00 : 00
 Thomas Leanard the sume of } 10 : 00 : 00

1664.
 3 May.
 PRENCE,
 Gov^r.
 Released.

The condition, that if the said Samuell Linkorn bee of good behaiour towards our sofl lord the Kinge and all his leich people, and especially keep from libelling, and appeer att the Court to bee holden att Plymouth the first Thursday in June next, and not depart the said Court without lycence; that then, &c.

Wheras, att this Court, the aboue bounden Joseph Gray and Samuell Linkorne, together with Gorge Watson, complained of great wrong, sustained not onely by them, but by the whole towne of Taunton, by James Walker his neglecting, according to engagement, to leaue a sufficient passage for the herings or alewiues to goe vp in the riuer on which the saw mill standeth, the Court directed an order to the constable of Taunton to require him to signify vnto the said James Walker that hee speedily take course that a free passage bee left for the goeing vp of the alewiues in the said riuer whiles yett some pte of the season remaines of their goeing vpp.

*Att this Court, vpon the complaint of Wiltam Browne against Henery Saunders, for non payment of a debt of thirty shillings in butter and 3^s 6^d in other pay, the Court awarded the said Saunders to pay or cause to bee payed to the said Browne, with all convenient speed, the sume of 40 shilt in current comōditie att money prise; and incase this bee not done within one month after the date heerof, that the constable of Sandwich shall leuy and take soe much of the goods or chattles of the said Saunders as will satisfy the said sume of 40^s to the said Browne.

[*64.]

Att this Court, a judgment of fifteen shillings, wanting a peney, was graunted vnto James Cole, Seni^r, against Henery Saunders, for none payment of a debt due to the said Cole from the said Saunders.

Att this Court, James Shaw complained against an Indian, called Wawanquin, for killing a cow of his in a trapp; and forasmuch as it appeered to the Court that the said Shaw had taken and disposed of the said cow, viz^d, the flesh and hyde of her, and that the said Indian had none of it, the said Indian is awarded by the Court to pay vnto the said Shaw the sume of thirty shillings, in good and considerable pay, with all convenient speed.

Concerning a controversye betwixt John Rushell, of Acushena, and an Indian, about a pretended cure wrought by him on the said Indian, whoe had bin sicke, the said Rushell afeirming that the Indian had giuen him his gun in satisfaction for the said cure, hee complaining that sundry Indians, to the number of fiue, came into his house, and in an hostile manor tooke away the

1664.

3 May.
PRENCE,
Gov^r.

said gun, the Court ordered, that for his charge and paynes with the said Indian as towards his cure, that hee, the said Indian, shall pay vnto the said Rushell the summe of twenty shillings, and his gun to bee deposeted in the constables hands till the said 20^s is payed; and that the said Indians, viz^t, Woomham, Pagenatowin, Weesunka, Sucquatamake, and Chacapaquin, for theire said hostile and insolent carriage in takeing away the said gun, bee fined to the vse of the collonie five pounds, viz^t, twenty shillinges a peece; and wheras the said Rushell was found blame worthy, in takeing vp of an axe, and indeauoring to improue it against the said Indians in a turbulent and dangerous manor, the Court reprobued him for his soe doeing, and admonished him to take heed of doeing noe more soe, as hee will answare it att his p̄rill.

[*65.]

*Att this Court, Hannah Churchill, widdow, desired that the one halfe of the land graunted to Wiltam Pontus, being in the diuision of lands att Namassakett and places adjacent, might bee confeirmed vnto her and her heires and assignes for euer: the Court, considering of her request, and serching the records concerning both the will of the said deceased Wiltam Pontus and the manor of the graunt of the said lands, haue, with the consent likewise of Phillip Delanoy, whoc was then p̄sent, and with the consent of Mary, his wife, the other daughter of the said Wiltam Pontus, settled the one halfe of the whole intire share of land lying and being att Namassakett or places adjacent, with all and singulare the meddows and all other appurtenances thervnto belonging, vpon and vnto the said Hannah Churchill, widdow, to her and her heires and assignes for euer.

Att this Court, M^r Constant Southworth requested concerning a smale p̄cell of vpland ground lying neare vnto his meddow, being alreddy his by graunt and purchase, might bee settled and confeirmed vnto him; and wheras there is some controversy between some of the naighbors about the bounds and ranges of theire lands lying neare vnto the said lands of the said Constant Southworth, the Court haue appointed Phillip Delanoy, Leiftenant Nash, and Wiltam Paybody to settle the bounds of the said p̄cell of vpland vnto the said Constant Southworth.

Eers of adminnistration was graunted, att this Court, vnto Syselia Fish, widdow, to adminnester on the estate of M^r John Fish, deceased.

March the 4, 1663. Wheras, att the Court of Assistants holden att Plymouth the first day of December, 1663, Wiltam Nicarson, being summoned, appeered to make answare for his eregulare purchasing of land of the Indians, contrary to the order of Court bearing date anno 1643; and after much patience and forbearance of the Court, hee, the said Nicarson, retainen- ing, posessing, and improeing of the said land, contrary to the aforesaid order,

the Court saw cause to issue out warrants, in his ma^{ties} name, to the cheife marshall, in reference therunto, the tenure wherof followeth in the next page : —

1664.

3 May.
[PRENCE,
GOVERNOR.]

[*66.]

*The Coppy of a Warrant directed to the Cheife Marshall of the Jurisdiction of New Plymouth, as followeth.

To the Cheife Marshall of the Jurisdiction of New Plymouth, greet.

Wheras, att a Generall Court holden att Plymouth, anno 1643, it was enacted by the Court that noe psons whatsocuer should purchase or buy any land of the Indians within this goument but such as the Court should authorise therunto, vpon the penaltie of forfeiting fise pounds to the collonie for euery acre of land soe eregularly bought or purchased ; and wheras it hath bin abundantly manifested that Wiltam Nicarson, soñtimes of Yarmouth, within this jurisdiction, hath, contrary to the said order of Court, purchased or bought a very large tract of land of the Indians of Mannomoiett, to the prejudice of many the more ancient inhabitants and freemen of this jurisdiction, and that the Court hath vsed great indulgency towards the said Nicarson by sundry tenders and much patience, if happily hee might apply himselfe to them for his owne indempnitie either in whole or in pte, which haueing bine by him, the said ^, obstinately refused, and resolutely resolved to carry on his owne eregulare way in contempt of authoritie, to the great detriment of the whole, the Court finds themselues nessesitated att the last to put forth in a regulare way to giue some checke to his vnsufferable insolencies by leuying some pte of the penaltie att present, and soe to proceed further afterwards as they shall see just cause. These are, therefore, in his ma^{ties} name, to will and comāund you, on receipt heerof, to leuy the suñe of two hundred pounds of the goods or chattles of the said Wiltam Nicarsons, or soe much therof as shalbee found within this goument, as pte of the penaltie due for the breach of the aforsaid order, and see that they bee duely prised according to order of Court, and make returne heerof and of youer doeings heerin vnto the Treasurer.

THOMAS PRENCE, Goũ.
JOHN ALDIN,
THOMAS WILLETT,
JOSIAS WINSLOW,
THOMAS SOUTHWORTH,
THOMAS HINCKLEY.

Dated att Plymouth the 4th of March, 1663.

1664.

8 June.

PRENCE,
GOU^r.

[*67.]

**Att the Generall Court of Election holden att Plymouth the eight
of June, 1664.*

| | |
|--|----------------------|
| BEFORE Thomas Prence, Gou ^r , | Thomas Southworth, |
| John Aldin, | Wiltam Bradford, and |
| Josias Winslow, | Thomas Hinckley, |
| Assistants, &c. | |

M^R THOMAS PRENCE was chosen Gou^r, and sworne.

| | |
|----------------------|---------------------------------------|
| Wiltam Collyare, | } were chosen Assistants, and sworne. |
| John Aldin, | |
| Thomas Willett, | |
| Josias Winslow, | |
| Thomas Southworth, | |
| Wiltam Bradford, and | |
| Thomas Hinckley, | |

Major Josias Winslow and Captaine Thomas Southworth were chosen co^mmissioners for the following yeare, and M^r Thomas Hinckley is the next in nomination.

M^r Constant Southworth was chosen Treasurer, and sworne.

The names of the deputies that serued att this Court and the adjournments therof are as followeth : —

| | |
|-------------------------------------|--------------------------------|
| John Dunham, Seni ^r , | Edward Sturgis, |
| Robert Finney, | James Mathews, |
| Ephraim Morton,+ | Nathaneell Bacon,+ |
| Nathaniell Warren,+ | John Chipman,+ |
| M ^r Constant Southworth, | Ensigne Eames,+ |
| Leiftenant James Torrey, | Anthony Snow,+ |
| Isacke Bucke,+ | M ^r Stephen Paine,+ |
| Richard Bourne, | Leiftenant Hunt,+ |
| James Skiffe, | Leiftenant Freeman, |
| Wilt Harvey, | Josias Cooke, |
| ‡Leiftenant Wyatte,‡ | Wiltam Britt,+ |
| Richard Williames,+ | John Willis. |

*The Grand Enquest.

1664.

8 June.
PRENCE,
Gov^r.
[*68.]

| | | | | | |
|---------|---|---------------------------------|---------|---|--------------------|
| sworne, | { | Wiltam Sabin, | sworne, | { | Wiltam Harlow, |
| | | John Hollett, | | | Samuell Dunham, |
| | | John Allin, | | | Stephen Winge, |
| | | Nicholas Biram, | | | Joseph Holly, |
| | | Henery Bourne, | | | Samuell Williames, |
| | | John Hall, | | | John Deane, |
| | | John Ottis, | | | John Burgis, |
| | | John Traeye, | | | John Caruer, |
| | | M ^r Josias Standish, | | | Thomas Paine,+ |
| | | Thomas Little, | | | Arther Hathewey. |
| | { | John Tompson, | | | |

The Constables of the seuerall Townes.

| | |
|----------------------|---------------------------------------|
| Plyñi, | Samuell Sturtivant. |
| Duxb, | Joseph Andrews. |
| Scittu, | { Isake Chettenden, Wiltam Curtis. |
| Sand, | Thomas Burgis, Seni ^r . |
| Taunton, | Francis Smith. |
| Barnst, | Joseph Laythorp. |
| Yarmouth, | Samuell Hall. |
| Marshfeñ, | { John Thomas, Francis Crooker. |
| Rehoñ, | Samuell Newman. |
| Eastham, | Daniel Cole. |
| Bridgw, | Samuell Packer. |
| Dartmouth, | James Shaw. |

Surveyors for the Highwaies.

| | |
|------------------|--|
| Plyñi, | { M ^r Barnes, Jacob Cooke, Thomas Morton. |
|------------------|--|

*Att this Court, M^r Thomas Walley, Seni^r, M^r Keith, Benajah Dunham, and Samuell Hunt were admitted to bee freemen of this corporation, and sworne. [*69.]

M^r Thomas Crosbey and Thomas Rogers stand propounded.

1664.

8 June.
PRENCE,
Gov^r.

Att this Court, the body of the freemen of this corporation being assembled, it was agreed and voated by them that an adresse shalbee made vnto his ma^{tie} for the further confeirmation of our pattent with as much conveniency as may bee; and for the management and ordering of matters concerning it, both for the raiseing of moneyes and appointing of men to bee employed therein, the country haue refered the same to the Court of Majestrates and Deputies.

The body of the freemen of this corporation, being assembled in Court, haue ordered, and doe heerby declare their resolution to maintaine their just rightes, which for many yeares they haue bine possessed of, in all those lands from Cape Codd to Saconett Point, with Pochasett, Causumsett, and the lands about Rehoboth to Patuekett Riuer, and as farr vp the said riuer till wee meet the Massachusetts line, which crosses the said riuer, and thence to Coahasset as the line runs.

And that incase any pson or psons bee seated, or shall seate themselues, within any the said lands, or cause any cattle to bee brought within the said bounds, or otherwise acte to our treaspas without leaue from this goufment, and not withdraw after warning giuen them, that then some effectual course bee taken for the remouall of them.

And for that end, it was likewise voated that letters should bee directed from this Generall Court to the Gou^r and Councell of Road Iland, for the asserting of our just rights as aforsaid, and that they would imploy their interest ouer such to reclaime them as haue thrust in vpon vs neare to Pochasett or elsewhere.

It is ordered by the Court, that if comissioners shall come out of England, and incase, by the prouidence of God, they shall either ariue in this harbour or come by land, that some psons bee deputed to bee in a reddines to accomodate them in a ciuill manor behoofull to their condition; and for that end that the Treasurer bee provided with nessesaries for their intertainment; and that incase there shalbee such occasion, that a generall rate bee made to defray the charge therof.

[*70.]

*It was ordered by the Court, for the supply of our honored Gou^r, that it bee graunted to giue out of the oyle, if it come in, the sume of twenty pounds, and likewise twenty pounds more out of that which appertaineth to the country, for Keñebecke, and this to bee ordered for this p^rsent yeare; but if the oyle shall fayle, then to make the supply out of that which is to come to the country for Keñebecke.

Forasmuch as the country is indebted to the Treasurer in money fifteen pounds, and likewise money to bee provided for the comissioners, wee judge

it nessesary that there bee a leuy of sixty pounds, the one halfe in money, the other halfe in wheat or pease, and the money to bee payed in the month of July next ensueing, for the defraying of the afromensioned charge and other charges that appears to vs that will ensue, and the other halfe to bee payed in wheat or pease in the month of October next.

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8 June.
PRENCE,
Gou^r.

The Proportions of the seuerall Townes as they are rated to the said Sumē.

| | ii |
|-----------------------|--------------|
| Plymouth, | 05 : 11 : 00 |
| Duxburrow, | 03 : 00 : 00 |
| Scittuate, | 09 : 01 : 06 |
| Sandwich, | 05 : 01 : 00 |
| Taunton, | 05 : 01 : 00 |
| Yarmouth, | 05 : 01 : 00 |
| Barnstable, | 05 : 11 : 00 |
| Marshfeild, | 05 : 01 : 00 |
| Rehoboth, | 07 : 11 : 06 |
| Eastham, | 04 : 01 : 00 |
| Bridwater, | 02 : 10 : 00 |
| Dartmouth, | 01 : 00 : 00 |
| Sowamsett, | 02 : 05 : 00 |

The Account of the Charges expended att the Ruining of the Line betwixt the Jurisdiction of the Massachusetts and ours.

This was allowed by the Court.

| | |
|---|----------------|
| Item, money expended by the Treasurer, | 07 : 06 : 06 |
| Item, for ourselues and horses 9 daies, att 5 shillī p day, | } 06 : 15 : 00 |
| Item, for a horse and a man of Major Winslowes, 6 dayes, | |
| Item, for Willam Barstow 9 dayes, att thre shillī p day, | } 01 : 07 : 00 |
| | |
| | 16 : 12 : 06 |

Besides a horse and a man that went on our account, and was forgotten to bee reconed by them ; and the halfe of the charge of a surveyor, both now and formerly, att 20 shillings p day.

*The Court haue ordered the sumē of six pounds vnto Captaine Southworth and Captaine Bradford, viz^o, to each of them three pound, for and

[*71.]

1664.

8 June.
PRENCE,
GOU^R.

towards their time & pains in their late journey to Connecticut on the countreyes busines.

The Court haue allowed vnto Nathaniell Bacon and Robert Finney, for being employed in the countreyes busines in viewing land, each of them twenty shillings.

Concerning a controuersy betwixt sundry Indians, viz^d, Mattaquason, sachem of Mannomoiett, and John Quason, his son, on the one pte, and Wiltam Nicarson, on the other pte, about bounds of lands bought by the said Nicarson of the said Indians, the Court, haueing heard what can bee said on both pties, haue ordered that some psons bee deputed by the Court to giue meeting to the said Nicarson, to take knowledge of the bounds of the said lands, and make report therof to the Court.

Wheras Wiltam Nicarson, of Yarmouth, hath for some time since illegally purchased a certaine tract of land att Mannomoiett, contrary to the order of Court, and that, notwithstanding great patience and forbearance of the Court, hee still psisteth on in his way of possession and improueing of the said land; and haueing nothing to bee found to answere the penaltie of the law, the Generall Court of freemen, being assembled, haue voated that the said land shalbee put to sale, and improued to the vse of the collonie, onely that the said Nicarson shall haue a portion therof allowed vnto him, accordingly as the Court or the psons deputed in the behalfe of the countrey to make sale therof shall thinke meet; which said psons are M^r Hinckley, M^r Bacon, Leiftenant Freeman, and Wiltam Bassett, they or any thre of them; and the God is appointed by the countrey to affix the common scale of the gofiment vnto such deeds as shall be made to any for the sale therof.

It was also voted by the Court of Magistrates and Deputies, that the said Nicarson shalbee wholly dispossessed of the said lands before it bee sold or otherwise disposed of.

Cornett Studson and Nathaniel Warren are appointed by the Court to lay out a certaine tract or pcell of land graunted to M^r Browne, lying neare Patuckett Riuer, northward of M^r Blackstones.

M^r Hinckley, in the behalfe of John Coggen, sollicited the Court to haue libertie to make sale of the land of Henery Coggen, his father, deceased: the Court, haueing certaine intelligence that hee, the said John Coggen, is heire apparent vnto the said Henery Coggen, and that hee is of age, haue giuen leaue to him, the said John Coggen, to make sale of the lands as hee shall see cause.

It is ordered by the Court, that the generall training shalbee the first Wensday in July next, and to bee att Yarmouth this yeare.

[*72.]

*Leiftenant Joseph Rogers is reestablished in to the office of a leiftenant of the milletary companie of Eastham.

Serjeant Ephraim Morton is appointed and approved of by the Court to be lieutenant of the military company of Plymouth.

M^r Joseph Bradford is appointed and approved of by the Court to be ensigne bearer of the military company of Plymouth.

Henry Smith is appointed and approved of by the Court to be ensigne bearer of the military company of Rehoboth.

John Marchant is appointed and approved of by the Court to be ensigne bearer of the military company of Yarmouth.

It is ordered by the Court, that the generall training shalbee this yeare the first Wensday in July next.

Att this Court, all that tracte of land commonly called and knowne by the name of Acushena, Ponagansett and Coaksett is allowed by the Court to be a townshipe; and the inhabitants thereof haue libertie to make such orders as may conduce to their common good in towne concerns; and that the said towne be henceforth called and knowne by the name of Dartmouth. Dartmouth
made a towne.

Josias Cooke is deputed and appointed by the Court to make contracts of marriage in the township of Eastham, and likewise to administer an oath to give evidence to the grand enquest as occasion may require, and likewise to administer an oath to witnesses for the tryall of a case as occasion may require, as alsoe, in case any stranger shall haue occasion to commence a suite against any person, it shalbee lawfull for the said Josias Cooke to issue out warrants in his ma^{ties} name to bind over the said person to answer the suite at the Court at Plymouth by attachment or summons as occasion may require. This is otherwise
ordered by
the Court.

‡Lieutenant James Torrey is authorised by the Court to make contracts of marriage in the towne of Scituate as occasion may require, and likewise to administer an oath to witnesses for the tryall of a case as occasion may require, and likewise to administer an oath to give evidence to the grand enquest as occasion may require; and alsoe, in case any stranger shall haue occasion to commence a suite against any person, it shalbee lawfull for the said Lieutenant Torrey to issue out warrants in his ma^{ties} name to bind over the said persons to answer the suit at the Court at Plymouth by attachment or summons as occasion may require.‡ ‡And other-
wise to supena
witnesses to
give evidence
in any ease to
appear at the
Court at
Plym^a.‡
This is other-
wise ordered.

*M^r Stephen Paine is authorised by the Court to make contracts of marriage in the towne of Rehoboth as occasion may require, and likewise to administer an oath to give evidence to the grand enquest as occasion may require, and likewise to administer an oath to any witness for the tryall of a case as occasion may require; and in case any stranger or forrainger shall haue occasion to commence a suite against any person, it shalbee lawfull for the said Stephen Paine to bind over the said person to answer the said suite by issue. [*73.]
This is other-
wise ordered by
the Court.

1664. ing forth warrants in his maties name to cause them to appeer att the Court att Plymouth to answare the said complainant.

8 June.
PRENCE,
Gov^r.

In reference to the complaint of sundry of the inhabitants of the towne of Taunton against James Walker and others, for the restraining of the alewives from going vp according to their vsuall manor by reason of a sawmill in thire herring riuier, by which obstruction of the said fish the said towne hath and is in danger to suffer much damage; this Court hath ordered, that betwixt this date and the next season of the fishes going vp, they, the said owners of the mill, shall make or cause to be made a free, full, and sufficient passage for the going vp of the said fish, or otherwise, vpon the further complaint of the towne, the Court will take an effectuall course that the same shalbee done.

Wiltam Paybody, for makeing a writing for the seperating of Wiltam Tubbs from Mercye, his wife, in reference vnto their marriage bond, is fined by the Court the sume of five pounds; and Leiftenant Nash and John Sprague, for subscribing as witnesses to the said writing, are fined each three pounds.

Att this Court, a protest was openly published, att the request of Wiltam Tubbs, against Mercye, his wife, as disowneing all debts that shce shall make vnto any from this time forward, as not intended to pay any of them to any pson whatsoever.

Att this Court, Wiltam Witherell, M^r Gyles Gilbert, Joseph Gray, and Samuell Linkhorne, were sentanced by the Court to pay each a fine of twenty shillings for an abuse done to a saw mill att Taunton belonging to James Walker and others, by coming in the night and breaking downe some pte of the said mill, and for takeing away seuerall things from the same.

In reference vnto the complaint of an Indian called Joseph, liueing neare Taunton, that M^r Gyles Gilbert had killed one of his hoggs, the Court, haueing heard the complaint and defence, haue some ground to suspect that the said hogg was killed by the said Gyles Gilbert, haue therefore ordered, that incase the said Gilbert shall and doe pay vnto the said Indian twenty shillings att his demaund, that then the said case shalbee soe issued; but if otherwise, vpon the further complaint of the said Indian of neglect herof, the said Gilbert is responsible to answare his complaint att Plymouth, and for that end that Thomas Jacus, the servant of the said Gilbert, bee warned to appeer the next Court to giue testimony in the × ×

These fines are
both remited.

‡ Thomas Lucas, for swearing, sentanced to sit in the stockes during the pleasure of the Court, according to order, which accordingly was pformed. ‡

Dorcas Presberry, for comitting fornication, fined five pounds. Gorge Barlow stands engaged in her behalfe to see it payed.

*The psons nominated to take vp the Excise in the seuerall Townshipes of this Goūment, whoe are likewise to take notice of what Liquors, &c, are brought into the Goūment. See the Orders in the Booke of Lawes.

1664.

8 June.
PRENCE,
GOV^r.
[*74.]

| | | |
|-----------------------|---|--|
| Plymouth, | { | John Morton, Wiltam Harlow. |
| Duxbuř, | | Benjamine Bartlett. |
| Scittuā, | { | Edward Jenkins, John Daman. |
| Sand, | { | James Skiffe, Thomas Tobey. |
| Taunton, | { | James Walker, Francis Smith. |
| Yarmouth, | { | M ^r Hawes, Richard Tayler. |
| Barnstable, | { | Henery Cobb, Nathaniell Bacon. |
| Marshfeild, | | John Bourne. |
| Rehoboth, | { | Leiftenant Hunt, Richard Bullocke. |
| Eastham, | { | John Done, Juni ^r , Wiltam Walker. |
| Bridwater, | | John Willis. |

Libertie is graunted vnto Robert Finney to looke out a ꝑcell of land for accomodation about Sepecan or elsewhere, and to make report of it to the Court, that soe a competency may bee graunted vnto him.

The Court giues libertie to Josias Cooke, Leiftenant Joseph Rogers, Gyles Hopkins, Henery Sampson, and Experience Michell to looke out a ꝑcell of land lying betwixt Bridgwater and the Bay line for their accomodation.

The Court haue graunted vnto John Cooke fifteen acres of meddow lying soñwhere neare the bounds of Dartmouth; and hee hath libertie to purchase it of the Indians, soe as it be not meddow alreddy graunted to any other.

Anthony Snow, Ensigne Marke Eames, Joseph Warren, Richard Wright, Wiltam Harlow, Nathaniell Morton, Ephraim Morton, Wiltam Paybody, John Dunham, Juni^r, John Rogers haue libertie to looke out land for accomodations, and to make report therof to the Court, that soe a competency may bee allowed to them.

[*75.]

*Att this Court, sundry of the towne of Hingham appeered, and desired to buy a ꝑcell or tract of land of the cuntry lying betwixt the Bay line and

See records of
sale of lands,
1664.

1664.

8 June.
PRENCE,
Gov^r.

This land was layed out afterwards, by order of the Court, by John Whitmarsh and John Jacob, and is att the path that leads from Waymouth to Bridgewater, as it is said, a little brooke running through the same.

Accord Pond and the land graunted to M^r Hatherley; and the Court declared themselucs willing to sell it, and pitched a prise, and refered the agreement to the Treasurer in the countreyes behalfe.

In reference vnto the request of Phineas Pratte and the Elder Bates, in the behalfe oi the children of Clement Briggs, that wheras they, the said Phineas Pratt and Clement Briggs, haue not had theire proportions of land with others of this jurisdiction formerly called purchassers or old comers, that they might haue some consideration of land in that respect in a pcell or tract of land lying neare vnto the line betwixt the Massachusetts jurisdiction and vs, neare vnto Waymouth, the Court doth graunt vnto the said Phineas Pratt and vnto two of the said Clement Briggs his sonnes, viz^s, David Briggs and Remember Briggs, three hundred and fifty acres of the said lands, with all and singulare the appurtenances thervnto belonging, vnto them and theire heires and assignes for euer, viz^s, vnto the said Phineas Pratt two ptes of three of the said three hundred and fifty acres, and the remainder therof vnto the two sonnes of the said Clement Briggs aforname; and this to bee layed forth for them by John Jacob, of Hingham, and John Whitmarsh, of Waymouth; and in case any Indian or Indians shall heerafter lay claime vnto the said lands, that the said Phineas Prat and the Elder Bates stand bound to the Court to answare the charge of the purchase therof and all other nessesary charges about the said land.

11 June.

An Order sent downe to Sandwich, as followeth.

To M^r Freeman, Richard Bourne, M^r Dexter, James Skiffe, and Wilłam Bassett, gree^t, &c.

Wheras Nanquatnumacke hath complained of wrong done to him in his corne by horses of Sandwich, these are to request you to take some serious and effectuall course that the poor man may haue his corne preserued from the horses, either by keeping of them away or some other course, this sommer, or otherwise wee shalbee in some straight what to doc in the case.

This is the Courts desire and order.

P me, NATHANIELL MORTON, Clark.

Plymouth, June 11th, 1664.

[*76.]

27 July.

*Witnesseth these p^sents, that I, Wilłam Barstow, Seni^r, of Scittuate, haue bargained, couenanted, and agreed, and doc by these p^sents fully and absolutely bargaine, couenant, and agree, with M^r Constant Southworth and Major Josias Winslow in the behalfe of this colloney of New Pymouth, concerning the repaireing and maintaining of a certaine bridge, co^monly called

1664.

2 August.
 PRESENCE,
 Gov^r.

forasmuch as it doth appeer that all that the said Billington had was bound ouer vnto John Barnes before the said attachment was layed on the said gun.

Att this Court, an acquittance was shewen in the Court, wherby it appeered that the portion belonging to Sarah Andrews, the daughter of M^r Henery Andrews, of Taunton, deceased, is fully payed and satisfied; which said acquittance was signed with Jared Talbut, and witnessed by Gorġ Macye and Wilſam Harvey, whose names were subscribed thervnto with their owne hands.

Att this Court, M^r Thomas Dexter, Seni^r, complained of sundry injuries against the towne of Sandwich about rights and titles to meddowes, &c, concerning which controversye, by mutuall consent of both pties, it was desired that the Goſ, M^r Aldin, M^r Hinckley, and the Treasurer would repaire in convenient time to Sandwich, to haue the hearing and determination of the said controuersyes; and accordingly the Court haue ordered, that the time for the hearing and determination therof, as aforesaid, shalbee soñtime in October next, by the pties and att the place aboue named; and that for this p^rsent summer, M^r Dexter, Juni^r, and others of Sandwich as haue formerly improued the said meddowes, shall still improue them.

And wheras there is a controversye betwixt the towne of Barnstable and the Indians about bounds of lands, the Goſ with the other aboue named are appointed by the Court to haue a hearing and determination therof before their returne.

This Court hath ordered, in reference vnto the purchase of some meddowes, belonging to sundry of the towne of Plymouth, called the South Meddowes, &c, lately purchased by the Goſ, the major, and Wilſam Bassett, that notice shalbee giuen to all such as possesse the said meddowes that they may meet together and appoint some, in the behalfe of the rest, to treat and compound with those that haue bought it of the Indians, as aforesaid; which if they shall neglect to doe, that it bee refered, for the determination of the same, to the next session of the Court, to bee holden att Plymouth the last Tuesday in September next.

This Court, receiueing sufficient intelligence by late testimony produced in Court that Nehemiah Bessey, of Sandwich, is of full age to enter vpon the possession and enjoyment of such lands as his father left him, haue ordered and doe heerby giue libertie vnto the said Nehemiah Bessey forthwith to enter vpon the full enjoyment and possession of his fathers inheritance, according to the bequeast of his deceased father, Anthony Bessey, as appeers by his last will and testament.

[*78.]

*July the fift, Anno Doñ 1664.

The names of the jury summoned by the constable of Taunton vpon the


occation of the death of Leiftenant James Wyatt, on the day aboue written, Walter Deane, Jonas Austine, Hezekiah Hoare, John Cobb, Wiltam Harvey, Peter Pitts, Aron Knap, Richard Stacye, James Leanard, Christopher Thresher, Samuell Williams, and John Deane, being sumoned, found, that on the fift of July abouemencioned, Leiftenant James Wyatt road to a meddow of his to cutt grasse, a seruant of his, an Indian boy, following him, and when hee came to the meddow hee found his master dead, as it is testified by him, who, returneing to the towne, reported that his master was dead. John Hall, Thomas Deane, and James Bell rode to the meddow, and there found that hee had cutt some grasse, and was gone out of the meddow, and there was fallen downe dead; and vpon search, the said jury finds not any cause of any violent death, butt the ymediatt hand of the Lord; and this is the agreement of vs all whoe haue heer subscribed.


1664.

5 July.
PRENCE,
Gov^r.

WALTER DEANE,

The marke **A** of JONAS AUSTINE,
HEZEKIAH HOARE,
JOHN COBB,
WILEAM HARVEY,
PETER PITTS,

The mark  of ARON KNAPP,The mark  of RICHARD STACYE,The **I** marke of JAMES LEANARD,

The  marke of CHRISTOPHER THRESHER,
SAMUELL WILLEAMS,
JOHN DEANE.

**At the 2^{cond} Session of the Generall Court begun in June last, now 27 September.
held the 27th of September. [*79.]*

THE majestrates and deputies being assembled, it was ordered and enacted as followeth:—

Viz^z: that the sume of one hundred pounds should bee leuied by rate on the seuerall townes of this jurisdiction, according to their proportions, for the entertainment of his ma^{ties} co^mmissioners, the one halfe therof to bee payed in money vnto the Treasurer att or before the one and twentieth day of November next, and the other halfe to bee payed in weat, pease, barly, or Indian

1664. corn, soe as the barley exceed not in proportion one third pte of the said halfe, the wheat to bee payed att foure shillings and sixpence the bushell, the barley att four shillings, the pease att three shillings and sixpence, and the Indian att three shillings the bushell; the said graine to bee deliuered to the Treasurer att his house att Duxburrow, or to his order, by the sixteenth day of March next, good and marchantable, and the charge of transportation defrayed.

27 September.
PRENCE,
Gov^r.

The proportions of the seuerall townes to the said rate are as followeth:—

| | |
|--|---------------|
| Plymouth, to one hundred pound, is | 09 : 05 : 00 |
| Duxburrow (Bridgewater being enclued) is | 08 : 08 : 03 |
| Scittuate, | 15 : 02 : 06 |
| Sandwich, | 08 : 08 : 06 |
| Taunton, | 08 : 08 : 06 |
| Yarmouth, | 08 : 08 : 06 |
| Barnstable, | 09 : 05 : 00 |
| Marshfeild, | 08 : 08 : 06 |
| Rehoboth, | 12 : 12 : 06 |
| Eastham, | 06 : 15 : 00 |
| | <hr/> |
| | 95 : 02 : 09 |
| Sowams, | 03 : 15 : 00 |
| Dartmouth, | 02 : 10 : 00 |
| | <hr/> |
| Suma totalis, | 101 : 07 : 03 |

The Court haue ordered and agreed, that incase his ma^{ties} comissioners shall see cause to send for any of the majestrates of our jurisdiction to haue speech with them, that the major and Captaine Southworth, being deputed by the Court, shall bee in a reddines to goe, if such occation shall require.

The sume of six pounds is allowed by the Court vnto Major Winslow and Captaine Southworth, viz^s, to each of them three pounds, for and towards their expence of time and other troubles and inconueniencies by them sustained in their late journey to Conecticott as comissioners of our jurisdiction.

It was ordered by the Court, that the towne of Rehoboth and the neighborhood of Sowamsett, in all leuies for publicke rates, shalbee considered as one intire township vntill such time that the said neighborhood shalbee in a capassitie and desire to bee a township of themselues.

[*80.]

*The towne of Scittuate is allowed by the Court to make sale of a certaine pcell of land belonging to Gorge More.

Ten acres of meddow is graunted vnto M^r Allexander Standish, lying att Satuckett Riuer, if it bee there to bee had.

This Court did allow and approue of Thomas Haward, Juni^r, to bee leiftenant of the millitary companie of Bridgwater.

And of John Haward, Seni^r, to bee ensigne of the said companie.

In reference vnto the request of diuers desireing land att Namassakett in the last purchase, the Court haue refered the granting of the said lands vnto the next sessions of this Court; and that then there shalbee a final issue put thervnto, and in the interem a due observation bee taken by such as it consernes of such psons vnto whom most fitly it ought to bee distributed.

Memorand: that att the next sessions of this Court su^me way and course bee thought on for proportioning of su^me charge on lands lying dormand.

The majestrates and deputies doe thinke meet, and accordingly this Court is adjourned vntill the 2^{cond} Tusday in May next, vnlesse by some nessesary occation falling out in the interem, the Go^u and Assistants shall thinke meet to summon the next meeting of this Court sooner.

*Septem^r 27th, 1664.

[*81.]

M^r Stephen Paine is authorised by the Court to make contracts of marriage in the towne of Rehoboth, and likewise to adminnester an oath to giue euidence to the grand enquest, and likewise to adminnester an oath to any witnesses for the tryall of a case as occation may require; and incase any pson resideing in this go^ument shall haue occation to co^mence a suite against any stranger or forraigner, it shalbee lawfull for the said Stephen Paine to issue out warrants in his ma^ties name to bind ouer any such pson or psons to answare the said suite att the Court of his ma^tie to bee holden att Plymouth att any time by attachment or summons as occation shall require, and likewise to graunt subpnaes as occations shall require.

[This paragraph is duplicated and cancelled on the preceding page.]

Septem^r 27th, 1664.

Leiftenant James Torrey is authorised by the Court to make contractes of marriage in the towne of Scittuate, and likewise to adminnester an oath to giue euidence to the grand enquest, and likewise to adminnester an oath to any witnesses for the tryall of a case as occation may require; and incase any pson resideing within this jurisdiction shall haue occation to co^mence a suite against any stranger or forraigner, it shalbee lawfull for the said Leiftenant Torrey to issue out warrants in his ma^ties name to bind ouer any pson or psons to answare the said suite att the Court of his ma^tie to bee holden att Plymouth

1664. att any time by attachment or summons as occasion shall require, and likewise to graunt subpenaes as occasion may require.

27 September.

PRENCE,
Gov^r.

Septem̄ 27th, 1664.

Josias Cooke, of Eastham, is authorised by the Court to make contracts of marriage in the towne of Eastham, and likewise to adminnester an oath to giue evidence to the grand enquest, and likewise to adminnester an oath to any witnesses for the tryall of a case as occasion may require; and incase any pson or psons resideing in this jurisdiction shall haue occasion to comēce a suite against any stranger or forraigner, it shalbee lawfull for the said Josias Cooke to issue out warrants in his ma^{ties} name to bind ouer any pson or psons to answare the said suite att the Court of his ma^{tie}: to bee holden att Plymouth att any time by attachment or summons as occasion may require, and likewise to graunt subpenaes as occasion may require.

4 October.
[*82.]

**.Att the Generall Court held att Plymouth the 4th of October, 1664.*

| | |
|--|----------------------|
| BEFORE Thomas Prence, Gov ^r , | Thomas Southworth, |
| John Aldin, | Willam Bradford, and |
| Josias Winslow, | Thomas Hineckley, |
| Assistants, &c. | |

JAMES LOUELL, of Waymouth, producing a deed of sale from the heires of M^r Nathaniel Souther for a sertaine tract of land long since graunted by this collonie to M^r Souther abouesaid, and alsoe propounding a place where hee desired to take it vp, viz^d, neare the place where Phenias Prat and the sonnes of Clement Briggs were accomodated, between their land and the line of the pattent, this Court, taking notice of the former graunt, doe accordingly allow vnto the said James Louell two hundred acres of land in the place abouemencioned, and haue appointed Leiftenant Torrey and Cornett Studson, if hee may bee obtained, to view it and lay it out vnto him, hee paying them for their paines; and incase Cornett Studson cannot, then Willam Barstow is desired to doe it; and that they reporting to the Court on their returne what meddow there may bee, or swamp land that may goe in consideration of meddow, the Court will graunt him what is meet in that respect, hee paying the Indian purchase, if any shalbee justly demanded.

1664.

4 October.
PRENCE,
Gov^r.

This Court haue likewise graunted vnto John Hammore and Walter Woodward, of Scittuate, (who haue a right as servants,) vnto each of them is graunted sixty acres of land neare about the place abouemencioned, provided it intrench not vpon former graunts, and alsoe that they pay the Indian purchase for it if any bee justly demaunded; and haue impowered the same p̄sons that lay out James Louells to lay out theirs alsoe, they satisfying them for their paines.

By a suite comēced by Edward Jenkins, of Scittuate, against John Williams, Jun^r, concerning the improprateing of lands that are com̄on to the propriators of Conihassett, and alsoe of an ancient highway that goeth to the harbour, by fenceing the same, both which seemed to bee well cleared to vs to bee injurious, this Court haue therefore appointed and desired M^r Timothy Hatherley, Captaine James Cudworth, Leiftenant Torrey, Cornett Studson, and John Turner, Jun^r, to take a view of the fence sett vp by the said Williams; and except hee shall otherwise satisfy, doe impower the aboue named M^r Hatherly, &c, to throw vp the abouemencioned fence, that the highway and com̄on lands bee not vnjustly impropriated.

*M^r Joseph Tilden haueing complained to this Court that Edward Bumpas, Jun^r, is indebted vnto him in the sume of eight pounds and odd mony, as will appeer by bill vnder his hand, and a considerable p̄te of the debt lyeth vnder attachment in Goodman Holmes his hand, this Court doth desire that Anthony Snow, Leiftenant White, Joseph Bedle, and Thomas Doged, whoe haue bine by the towne of Marshfeild impowered to acte for the said Bumpas, or some of them, with the said Edward, to treat and issue with M^r Tilden in reference to his debt, that soe any further suites may bee preuented; and the men aboue named, or such of them as shall acte in it, haue power to see such goods as are yett vnder attachment released for payment of the debt, and it shalbee the constables discharge.

[*83.]

Att this Court, Josias Wormal appeared in Court, and engaged vnto the Court for the sixt p̄te of the estate of Joseph Wormal, deceased, which is the portion of Hester Wormal; and when this engagement was taken, M^r Hatherley was cleared of his bonds for the adminestration graunted vnto Mirriam Wormal, of which see orders of Court, June, 1662.

Wheras John Wheston, late deceased, dyed intestate, and soe the lands of the said Wheston falls by right of law vnto Joseph Wheston, the heire apparent vnto the said John Wheston; and that it doth likewise appeer to the Court that the estate of the said John Wheston is but little, the lands excepted, and that there are diuers smale children to bee brought vp out of the said estate, therefore, vpon the free will and condecensy of the said Joseph

1664.

4 October.
 PRESENCE,
 GOV^R.

Wheston, hee is content and hath by these p^sents taken the house and land that his father liued on and died in, in the towne of Scittuate, for his full and intire portion of his fathers estate both of lands and goods, freely allowing that the profit and benefitt of the said house and land shall redound vnto his mother, Susanna Wheston, for the full tearme of six yeares from the date hecrof, for and towards the bringing vp of the other children of the said John Wheston, they keeping the said house and land in repaire. Morouer, concerning the said John Wheston his p^{te} or share of Conihassett land, bee it more or lesse, both vpland and meddow, hee, the said Joseph Wheston, hath freely resigned, made ouer, and allianated the same from him and his heires vnto the rest of his brothers and sisters, the children of the said John Wheston, to bee by them or in their behalfe improued or sold as occasion shall require; onely that incase the said lands or any of them shall att any time bee sold, that the said Joseph Wheston shall haue the first proffer for the buying of them.

[*84.] *Att this Court, Captaine James Cudworth, Leiftenant Torrey, Ensigne Eames, Isacke Chettenden, and John Bryant are appointed and deputed by the Court as a comittee to settle a controuersy concerning a p^{ce}ll or tract of land lying on the east side of the North Riuer, between the lands of Daniell Hicke and Robert Sprout, the said p^{sons} to meet about the said expedition on the first Munday in the next month next after the date hecrof; and incase they can not settle the said controuersy to the satisfaction of the propriators, that then they make report of their proceeding therein vnto the Court, and that Walter Hatch and John Siluester are to take course for the satisfaction of the said p^{sons} for their paines about the same.

Att this Court, Christopher Winter, being summoned, appeered to make answare, being suspected to haue killed a horse of Joseph Bedles; the Court, not resting satisfied in his p^sent defence, saw cause to bind him ouer to further appearance att the Court as followeth:—

Christopher Winter acknowledgeth to owe vnto our }ⁿ
 sou^{er} lord the King the s^umme of } 20 : 00 : 00

The condition, that if the said Christopher Winter doe appeer att the Court of his ma^{tie} to bee holden for this go^ument att Plymouth the first Tursday in March next, to make further answare concerning the killing of a horse of Joseph Bedles, and not depart the said Court without lycence; that then, &c.

Att this Court, Gyles Ricard, Seni^r, for swearing by the wounds of God, was sentanced to bee comitted to prison, and there to bee in durance the space of twenty four houres.

These are come
 to an agree-
 ment, and soe
 declared to the
 Court in March
 7th, 1664.

Ruhamah Turner, for comitting fornication, fined 05 : 00 : 00.

Wiltam Maze, of Taunton, for swearing, sentenced to sit in the stocks during the pleasure of the Court, which was accordingly executed.

James Bell, of Taunton, for strikeing John Eedey, fined 00 : 03 : 04.

1664.

4 October.
PRENCE,
Gov^r.

Seuerall of the
naighbours of
Sandwich en-
gaged to pay
this fine in the
behalf of Ru-
hamah Turner.

*The rates of the countrey, viz^d, for the officers wages, for the charge of the majestrates table, and for the charge of the comissioners men and horses, — the p̄ticulares of each townes proportion therein is as followeth: —

| | |
|-----------------------|--------------|
| Plymouth, | 08 : 06 : 06 |
| Duxburrow, | 04 : 01 : 04 |
| Scittuate, | 13 : 12 : 03 |
| Sandwich, | 07 : 11 : 04 |
| Taunton, | 07 : 11 : 04 |
| Yarmouth, | 07 : 11 : 04 |
| Barnstable, | 08 : 06 : 06 |
| Marshfeild, | 07 : 11 : 04 |
| Rehoboth, | 11 : 07 : 03 |
| Eastham, | 06 : 01 : 06 |
| Bridgwater, | 03 : 10 : 00 |
| Sowams, | 03 : 07 : 06 |
| Dartmouth, | 02 : 05 : 00 |
| | <hr/> |
| | 91 : 03 : 02 |

[*85.]

The 8th of April, 1664.

These few lines doe witnes, that I, John Coggen, doe from this day forward discharge and free my loueing frinds, James Cudworth, of Scittuate, and Isacke Robinson, of Barnstable, from being my guardians, acknowledging myselfe to bee fully satisfied; whervnto I haue sett my hand.

This was
p^resented to the
Court of As-
sistants held in
Plymth in Febru-
ary, 1664.

JOHN COGGEN.

Witnes, John Finney.

*A Writing appointed to bee recorded.


[*86.]


These witnesseth, and this bill of our hand bindeth vs, Thomas Morton, of the towne of Plymouth, in the jurisdiction of Plymouth, in New England, in America, yeoman, and John Andrews, of the towne aforesaid, in the said jurisdiction, planter, wec, our heires, exequitors, adminestrators, and assignes, joyntly and seuerally, to pay or cause to bee payed vnto Nathaniel Warren, of the towne aforesaid, in the jurisdiction aforesaid, yeoman, to him or

1664.

4 October.
PRENCE,
GOU^r.

his heires, exequitors, adminnestrators, or assignes, the full sume of twenty and five pounds, to bee payed in mannor and forme following, viz^s: the one halfe in corne, English and Indian, and the other halfe therof in tarr; that is to say, the first payment of the said twenty five pounds, which is four pounds and eleuen shillings, is to bee payed in tarr att or before the fifteenth day of June next ensueing the date heerof; and the second payment, which is foure pounds and eleuen shillings, is to bee payed in corne att or before the first day of December, 1665; and the third payment therof, which is foure pounds and eleuen shillings, is to bee payed att or before the fifteenth day of June, 1666, in tarr; and the fourth payment, being foure pounds and eleuen shillings, is to bee payed in corn att or before the fifteenth day of June, 1667; and the last payment, which is forty and five shillings, is to bee payed att or before the first day of December, 1667, which sume of forty and five shillings, being the last payment of the abouesaid twenty and five pounds, is to bee payed in corne: all which seuerall payments are to bee payed in that which is good and marchantable both of the corn aad the tarr, and att prise current as the prises shalbee att the times of the deliuey of the seuerall payments to bee deliuered, viz^s: the tarr att the towne of Plymouth, and the corne att the house of the said Nathaniel Warren att the Elchriuer, in the towneship of Plymouth aforsaid. In witnes of the true pformance of the pmisses, and of euery pte therof, wee, the said Thomas Morton and John Andrews, haue heervnto subscribed our hands and affixed our seales, this tenth day of October, anno Domi 1664.

The marke  of THOMAS MORTON,
and his seale.

The marke  of JOHN ANDREWS,
and his seale.

Signed, sealed, and deliuered in the psence of
Thomas Southworth,
Robert Fuller,
Nathaniel Morton.

The sumes aboue mencioned to bee payed by the pties aboue mencioned, viz^s, Thomas Morton and John Andrews, is to bee payed for the remainder of the time vnserued out, which the said Andrews should haue serued with the said Nathaniel Warren, hee haueing alsoe, vpon the sealing heerof, surrendered vp the said John Andrewes his indenture for the said time; these pticulars were aded in the originall agreement in writing before the ensealing therof.

These seuerall payments are all payed by Thomas Morton and John Andrew to Nathaniell Warren and his assignes.

Testa me, NATH: MORTON, Secre^y.

1664.

4 October.
PRENCE,
Gou^r.

**At the Court of Assistants held at Plymouth the seauenth Day of February, 1664.*

1664-5.
7 February.

[*87.]

BEFORE Thomas Prence, Gou^r, Thomas Southworth,
John Aldin, Wiltam Bradford, and
Josias Winslow, Thomas Hinckley,
Assistants, &c.

IN reference to a controuersy betwixt Wiltam Shirliffe, plaintife, against Thomas Little, defendant, for vnjust molestation to the damage of forty shillings in forcable carrying away certaine timber trees by him felled and squared, as hee supposeth, on his owne land, and for refusing to lay out and bound the land according to order, the Court hath appointed M^r Alden, the major, and Joseph Bedle in due and convenient time to settle the bounds of the said lands in controuersy between them according to their best light, either from the records or otherwise; and in reference to the said timber trees, that Thomas Little is to returne them to the place from whence hee tooke them within ten daies from this present Court; and that the said Shirliffe hath libertie to improue the said trees, provided hee bee responsible to make good the vallue of them in case they shall proue heerafter to belonge to Thomas Little.

In reference to a complaint of John Smith, Jun^r, of Marshfeild, against Stephen Tilden, of Scittuate, for that the said Tilden neglected to pay vnto the said Smith the sume of twelue shillings due vnto him for the making of a cart, forasmuch as it appeered to the Court that the said Tilden was legally summoned, and did not appeer, nor any for him, to answere the said complainant, the said Smith owning before the Court fve shillings of the twelue received, the Court awarded the said Tilden to pay vnto the said Smith seauen shillings more, in all twelue shillings, besides twelue sh: charge.

In reference vnto diuers complaints amongst some of the neighbours of Plymouth, in pticulare John Barnes against Thomas Pope, and the said Pope against Gyles Rickard, concerning bounds of land wherof they complained

1664-5. each of other of encroachment and treaspas by cutting of wood and makeing of hiewaies ouer the said Barnes his land, the Court haue ordered Leiffenant Morton and Gorge Bonum, with the healp of some other for a third man, to measure and bound the said lands in controuersy, the ancient bounds being lost, that soe all controuersyes about the same might sease for the future.

7 February.
PRENCE,
Gou^r.

Att this Court, M^r Isacke Robinson was allowed and approued by the Court to keep an ordinary att Saconesett for the entertainment of strangers, in regard that it doth appeer that there is great recourse to and fro by trauelers to Martins Vinyards, Nātuckett, &c.

Benjamin Bartlett appeered att this Court, and demaunded some land which was formerly belonging to M^r Wilham Brewster, lying in Alcaranus Feild; but for as much as the p̄ticulare place cannot bee found, it is refered to the next Generall Court to determine.

[*88.]

*In answare vnto the desire and motion of Henery Wood and Thomas Pope, that for as much as it doth appeer by the last will and testament of Mistris Sarah Jenney, deceased, that did att her death giue and bequeath vnto the eldest daughters of Samuell Jenney, Henery Wood, and Thomas Pope a mare coult; and that Sarah, the eldest daughter of the said Samuell Jenney, is deceased before shee came to age, that therefore the surviuers of the said daughters might haue the p̄te of the deceased, the Court, takinge notice of the tearmes of the will, &c, adjudged it the right of the survivors, viz^s, Sarah Wood and Sussanah Pope; but forasmuch as Samuell Jenney was not p̄sent, and that his plea about it hath not bine heard, it was refered to the Generall Court to bee holden in March next, att which time the said Samuell Jenney is to bee p̄sent, and to make his plea, if hee hath any thinge to speake in the case.

Wheras a motion was made to this Court by Richard Bourne in the behalfe of those Indians vnder his instruction, as to theire desire of lueing in some orderly way of goūment, for the better preventing and redressing of thinges amisse amongst them by meet and just meanes, this Court doth therefore, in testimony of theire countenanccing and incurraging to such a worke, doe approue of those Indians proposed, viz^s, Paypmunnucke, Keencomsett, Watanamatucke, and Nanquidnumacke, Kanoonus, and Mocrust, to haue the cheife inspection and management therof, with the healp and aduise of the said Richard Bourne, as the matter may require; and that one of the aforesaid Indians bee by the rest instaled to acte as a constable amongst them, it beinge alwaies prouided, notwithstanding, that what homage accustomed legally due to any superior sachem bee not heerby infringed.

This Court doth order, that if the Nātuckett Indians suspected for

murther bee to bee found within this goũment, that serch may bee made by the majestrates, that they may bee found out and secured vntill they bee sent to the goũment of the Massachusetts, that they may doe with them as the case may require; and in p̄ticulare, that M^r Hinckley take care that those people about the southeren p̄tes or south sea, where they were lately knowne to bee, may giue intelligence whether they bee gon or noe out of the goũment, that it may bee knowne whether that the p̄sons soe much concerned in it may bee enformed therof, that they may looke after them as they see cause.

1664-5.

7 February.
PRENCE,
Gou^r

Concerning some p̄ticulares which passed in this Court in reference to M^r Thomas Cushman, concerning an assignement made ouer to him by M^r Isacke Allerton, see more in orders and passages of the Court, 1648.

**Att the Generall Court of his Ma^{tie} held at Plymouth the 7th of March, 1664.*

7 March.
[*89.]

John Aldin, Deputie Goũ,
Thomas Southworth,

Wiltam Bradford, and
Thomas Hinckley,

Assistants.

ATT this Court, libertie was giuen vnto Barnard Lumbert, of Barnstable, to adminnester on the estate of one Cornelious More, an Irish man, late deceased, to pay all debts owing from the said estate soe farr and by equall proportions as the said estate will amount vnto, and to keep a just account of his said adminnestration, and to bee redly to giue in a true account therof when thervnto required by the Court.

Eres of adminnestration was graunted by the Court vnto Joyce, the wife of Thomas Lumbert, deceased, and vnto Jedediah Lumbert and Caleb Lumbert, to adminnester on the estate of the said deceased Thomas Lumbert.

Eres of adminnestration were likewise graunted vnto Stephen Vinall and John Vinall, to adminnester on the estate of Ann Vinall, deceased.

Eres of adminnestration were likewise graunted vnto Timothy White and Joseph White to adminnester on the estate of Gowin White, deceased.

M^r Micael Peirse came before this Court, and desired that an order pased by the Court in reference vnto the desposing of the estate of John Allin, deceased, with specciall reference vnto the portion of Josias Leichfeild, might bee considered by the Court, and amended in respect that some detriment is

1664-5. likely to acrew vnto him by the said order, it standing as it doth; in answare whervnto the Court returned, that forasmuch as diuers of the majestrates were absent, whose help is very requisitt for the right regulatēg therof, it is referred vnto a more full Court for the doeing of it.

7 March.
PRENCE,
Gov^r.

James Louell, of Waymouth, came before this Court, and requested to haue a supply of meddow or swampe, that may bee hopefull, to make meddow, bordering or appertaining to a certaine tract of land which hee bought of the heires of M^r Nathaniell Souther; hee was ordered by the Court either to come or send to the Generall Court to bee holden the begiūg of June next ensueing the date heerof, att which time the Court wilbee in a capacic to answare his desire in some *some* suitable measure, according to a former order about it, if it may bee had.

Att this Court, it was made knowne to the Court that Elisha Hedge did breake bulke of goods before notice giuen of what liquors hee had brought into the towne of Yarmouth, and therby forfeited 16 gallons of liquor.

[*90.] *In reference vnto a controuersy between Gorḡ Allin and Richard Chadwell about a highway, the Court haue ordered and doe request M^r Edmond Freeman, Seni^r, Edmond Freeman, Juni^r, Thomas Tobey, and Benjamine Nye, or any three of them, to settle the said differēce with the first convenient speed they can, that soe there may bee a finall end of the said controuersy.

In reference vnto the desire of sundry, that the lands of Wiltam Randall, of Scittuate, may bee layed out and orderly bounded, the Court haue requested and appointed Captaine James Cudworth and M^r Joseph Tilden in due and convenient time to lay out and bound the said lands att the North Riuer according to their best descretions and such euidence as they can procure, to the intent that thence forth all suites and contensions may bee preuented, and a finall end of all controuersyes relateing to the bounds of the said land.

The Court, takeing notice that sundry Indians haue manifested some willingnes to make sale of some land within the bounds of Barnstable, haue giuen libertie and doe depute and appoint M^r Thomas Hinckley, Nathaniel Bacon, and John Gorum, or any two of them, to purchase the same; and whatsoever land shalbee soe purchased, they are to make report therof to the Court, that soe they may dispose of it as they shall see cause.

In reference to a cow and a steer belonging to Gabriel Fallowell that were taken in the trapps of Harry the Indian and his son, called Samuell Harry, which said cattle were soe hurt as the owner was constreynd to kill them, and therby were greatly damnifyed, the Court haue ordered, that they, the said Indians, shall pay to him, the said Gabriell Fallowell, or his assignes, the sume of foure pounds, viz^d, forty shillings the next Indian haruest, and

the remaining forty shillings Indian haruest come twelue month, in good and current pay. 1664-5.

Thomas Cushman, for comitting carnall coppulation with his now wife before marriage but after contract, is centanced by the Court to pay five pounds, according to the law; and for the latter pte of the law, refering to imprisonment, is refered to further consideration.

7 March.
PRENCE,
Gou^r.

Thomas Totman appeered att this Court, to answare his p̄sentment for haueing carnall coppulation with his now wife before marriage, and affirmed that it was after contract; which being not cleare to the Court, hee was centanced to pay a fine of ten pounds, if not cleared by further testimony; but if soe cleared, to pay but five pounds.

Willam Randall, for breakeing the Kings peace by poakeing or strikeing Jeremiah Hatch with a ho pole, is sentanced to pay a fine of three shillings and four pence.

Thomas Sumers, for being drunke, fined five shillings.

Thomas Linkorne, Seni^r, for breaking the Kings peace, fined 3^s 4^d.

*Rehoboth, the 14th July, 1664.

[*91.]

Wee, whose names are heervnder subscribed, doe heerby signify to all psons whome it may concerne, that, according to our best light and apprehension, Rebeckah Sale, the late wife of Edward Sale, was her owne executioner, viz^d, shee hanged her selfe in her owne hiered house.

JOHN READ, Seni^r,
PETER HUNT,
JOHN PERREN, Seni^r,
JAMES REDWAY,
ROGER ANNADOWN,
WILLAM SABIN,
HENERY SMITH,
JOHN FITCH,
THOMAS COOPER, Juni^r,
JOHN PECKE,
NICHOLAS PECKE,
SAMUELL PECKE,
DANIELL SMITH.

Rehoboth, the seauenth of August, 1664.

Wee, whose names are subscribed heerto, doe heerby signify to all psons whom it may conserne, that Elizabeth Walker, the daughter of Phillip

1664-5. Walker, of the towne of Rehoboth, was accedentially drowned; shee, being sent to scoole, was found alsoe accedentially in the riuer first by two youthes; and they making knowne the same to two wemen, the wife of Nicholas Jyde and the wife of Roger Annadowne, and then to Wilłam Sabine, whoe forth with came and drew her out of the water, as hee saith. From the testimony of the afor specified psons, together with other concurring cercomstances, wee, the subscribers, conceiue that the child, which was two yeares and an halfe old, before specified, came accedentially to her end.

7 March.
PRENCE,
Gov^r.

STEPHEN PAINE, Seni^r,
THOMAS COOPER,
JOHN READ, Seni^r,
PETER HUNT,
JOHN PERRAM,
ROBERT FULLER,
ANTHONY PERREY,
NICHOLAS PECKE,
JOHN FITCH,
HENERY SMITH,
JOHN BUTTERWORTH,
DANIELL SMITH.

March the 1, 1664. This jury gaue in this verdict vpon oath before Josias Winslow, Assistant.

The seauenth of March, 1664.

Ruhamah Turner, of Sandwich, for comitting fornication with John Ewen, was fined the sume of fve pounds to the vse of the collonie.

[*92.]

*The Deposition of Richard Handy, aged about 19 Yeares.

This deponant saith, that hee being att worke about the mill dam the 19th of August with Thomas Fish, the banke being vndermined and dangerous, this deponent saith hee spoke to Thomas Fish and Edward Craggs, saying, "Lett vs knoke downe the banke." They being not willing to goe, this deponant said hee would goe; and then Thomas Fish said, "I will saue one," taking his barrow in his hands; the banke fell downe vpon him while this deponant was goeing to knoke downe the banke, being got the halfe way or therabouts; and this deponant saith, that ymediately after the banke was fallen downe ~ Thomas Fish, they hastened to take the elods from him; and being bruised therby, hee was gott to bedd and dyed in about four daies

and an halfe after; and further hee saith not. Edward Craggs testifyeth the same. 1664-5.

7 March.
PRENCE,
Gou^r.

The Deposition of Richard Church, aged about 56 Yeares.

This deponant saith, that hee, being att worke about the mill the 19th of August, hearing of a cry that the man was killed, hasted presently and heaped to remoue the earth from Thomas Fish, whoe, being much bruised therby, was gott to bedd, and in four dayes and an halfe dyed; and further saith not.

The Testimony of Nathaniel Fish, aged about forty-six Yeares.

This deponant saith, that hee was not willing his son should goe to worke about the dam that day that hee was hurt; and further this deponant saith, that hee heard his son say, not long before hee dyed, that Thomas Dexter said to Thomas Fish, "It is to late to goe to worke to day to Goodman Burgis."

The Names of the Psons warned by the Constable of Sandwich to view the Corpes of Thomas Fish, the Son of Nathaniel Fish, deceased, this 25 of August, in the Yeare 1664.

| | |
|------------------------------------|-------------------|
| Thomas Tupper, Seni ^r , | Francis Allin, |
| Richard Bourne, | Lodowicke Haukes, |
| Wilham Bassett, | Obadiah Eedey, |
| Benjamine Nye, | John Gifford, |
| Richard Smith, | John Gibbs, |
| Thomas Tupper, Juni ^r , | Robert Rollocke. |

These twelue men before expressed, takeing into serious consideration according to the best euidence, doe find the instrumentall of the death of Thomas Fish to bee, the vnderminding and falling of the bankes vpon him, the wheelbarrow being between him and the ground, and soe bruising of his body that hee dyed about four dayes and an halfe after that hee was thusse bruised.

*The Propositions made by his Ma^{ties} Co^mmissioners to the General Court of his Ma^{tie} held att Plymouth for the Jurisdiction of New Plymouth the 22^{cond} of February, Anno Domⁱ 1664. [*93.]

1. That all housholders inhabiteing in the collonie take the oath of allegiance, and that the adminnestration of justice bee in his ma^{ties} name.

2. That all men of competent estates and ciuell conversation, though of

1664-5. different judgments, may bee admitted to bee freemen, and haue libertie to choose and bee chosen officers both ciuell and milletary.

7 March.
PRENCE,
GOU^R.

3. That all men and weomen of orthadox opinions, competent knowlidge, and ciuell liues, not scandalous, may bee admitted to the sacrament of the Lords supper, and theire children to baptisme, if they desire it, either by admitting them into the congregations alreddy gathered, or pmitting them to gather themselues into such congregations where they may enjoy the benifit of the sacraments, and that difference in opinion may not breake the bonds of peace and charitie.

4. That all lawes and expressions in lawes derogatory to his ma^{tie}, if any such haue bine made in these late troublesome times, may bee repealed, altered, and taken of from the file.

1665. The Answare of the Generall Court held att Plymouth for the Jurisdiction of New Plymouth the 2^{cond} of May, Anno Dom̃i 1665, to the aboue written Propositions, as followeth.

2 May.

To the first wee consent, it haueing bine the practice of this Court in the first place to ensert in the oath of fidelitie required of euery housholder to bee truly loyall to our soû lord the Kinge, his heires and successors; alsoe, to adminnester all actes of justice in his ma^{ties} name.

To the second wee alsoe consent, it haueing bine our constant practice to admitt men of competent estates and ciuell conversation, though of different judgments, yett being otherwise orthodox, to bee freemen, and to haue libertie to chose and bee chosen officers both ciuell and milletary.

To the third, wee can not but acknowlidge it to bee an high fauor from God and from our soû that wee may enjoy our consciences in point of Gods worship, the maine end of transplanting ourselues into these remote corners of the earth, and should most hartily rejoyce that all our naighbours, soe qualified as in the proposition, would adjoyne themselues to our societie according to the order of the gospell for enjoyment of the sacraments to them and theires; but if, through different pswasions respecting church goûment, it cannot bee obtained, wee would not deny a libertie vnto any, according to the proposition, that are truly consciencious, although differing from vs, especially where his ma^{tie} com̃aunds it, they maintaining an able preaching minnester for the carrying on of publicke Sabbath worship, which wee doubt not is his ma^{ties} intent, and withdraw not from paying their due proportions of maintainance to such minnesters as are orderly settled in the places where they liue vntill they haue one of their owne, and in such places as are capable of maintaining the worship of God in two distinct congregations; and wee

being greatly incouraged by his maties gracious expressions in his letter to vs, and your honors further assurance of his royall purpose to continew our liberties, that where places by reason of our pausette and pouertie are vncapable *of two, it is not intended that such congregations as are alreddy in being should bee rooted out, but theire liberties preserued, there being other places to accomodate men of different pswasions in societies by themselves, which by our knowne experience tends most to the p̄seruation of peace and charitic.

To the fourth, wee consent that all lawes and expressions in lawes deregatory to his matie, if any such shalbee found amongst vs, (which att p̄sent wee are not consious of,) shalbee repealed, altered, and taken of from the file.

By order of the Generall Court for the jurisdiction of New Plymouth.

Ɔ me, NATH: MORTON, Secr^{ty}.

Plymouth, May the 2^{cond}, 1665.

An Acknowledgment ordered to bee entered.

To the honored Court p̄sented.

Forasmuch as the Court judges that I haue broken order, I ame sorry I haue giuen them offence; and if I had knowne that the order would haue bine soe vnderstod, I should not haue done it; and wherin I haue giuen the Court offence, I humbly craue theire fauorable judgment therin, and that the Court would bee pleased to pase by my weaknes and remite my offence.

WILEAM NICARSON.

The third of May, 1665.

1665.

2 May.
PRENCE,
Gour^r.

[*94.]

3 May.

**At the Court of Assistants held att Plymouth for the Jurisdiction of New Plymouth, 1665.*

1665.

May.

[*95.]

BEFORE Thomas Prence, Gour,

John Alden,

Josias Winslow,

Thomas Southworth,

Wiltam Bradford, and

Thomas Hinckley,

Assistant^s, &c.

WHERAS Wiltam Newland standeth bound vnto this Court in the sume of three hundred pounds sterling faithfully to pay and make good vnto the children of Joseph Holley, deceased, the sume of six score pounds sterling, the Court, takeing notice and being sertified by seuerall writings

1665.

May.
PRENCE,
Gou^r.

vnder the hands of the said children and otherwise that they, the said children of the said Joseph Holley, Seni^r, deceased, viz^s, Joseph Holley, Juni^r, Mary, the wife of Nathaniell Fitsrandall, Sarah, the wife of Joseph Allin, Experience Holley, and Hopestill, the wife of Samuell Worden, haue receiued theire seuerall ptes and portions of the said sume, viz^s, euery of them twenty foure pounds, doe therfore fully and absolutely discharge the said Willam Newland, hee, his heires, exequitors, and adminnestrators, from the abouesaid bond and obligation, haueing fully paid the said sume vnto the said children aboue expressed.

Wheras Robert Ransome hath fenced in a peece of land att Lakenham that is comon, that hath occasioned much trouble, the Court haue ordered, that the said fence bee throwne downe, and the land to lye open, and not to bee fenced by the said Ransome vntill hee can proue his title; and the Court haue ordered the neighborhood of Lakenham to see the same pformed by the sixt of this instant May.

James Cole, Juni^r, for breaking the Kinges peace in strickeing of Robert Ransome, is fined 00 : 03 : 04. And wheras hee spake vnaduisedly in saying, "Kill the rogue," meaning the said Robert Ransom, hee taking notice of his great ouersight in soe speaking, and it being spoken when hee was in a great pasion, seeing his brother much abused by the said Ransom, and that hee, the said Cole, hath bine obserued otherwise to haue bine of a peacable disposition, the Court saw cause with admonition to remitt the fault.

Ephraim Tilson, for breaking the Kinges peace in strickeing Robert Ransome, is fined 00 : 03 : 04.

Att this Court Gorge Barlow appeered, being summoned to answare for attempting the chastity of Abigaill, the wife of Jonathan Pratt, by aluring words and actes of force, being to the affrighting and much wronging of the said Abigaill in the house shce dwells in, being then alone; the said Barlow bee examined, denyed the said acusation in all the ptes of it; notwithstanding, the Court saw cause to require bonds of him for his good behavior vntill the Generall Court to bee holden att Plymouth the first Tusday in June next after the date heerof as followeth:—

| | | |
|---|---|--------------|
| Gorg̃ Barlow acknowledgeth to owe vnto our soũ lord | } | 20 : 00 : 00 |
| the Kinge the sume of | | |
| Thomas Sauory the sume of | | 10 : 00 : 00 |

Released.

The condition, that if the said Gorge Barlow bee of good behavior towards our soũ lord the Kinge and all his leich people, and appeer att the General Court of his said ma^{tie} to bee holden att Plymouth the first Tusday in June next, and not depart the said Court without lycence; that then, &c.

Att this Court, Ralph Smith, of Eastham, was fined, for telling of a lye, 1665.
00 : 10 : 00.

In reference vnto the complaint of John Barnes against Thomas Pope, for treaspasing vpon his land in carting ouer it, and the complaint of the said Pope against the said Barnes for violently oposing the children of the said Pope in the cart way when they were about theire honest labour, and for beating the horse of the said Pope, and in strikeing of the horse struck his boy, the Court ordered, that forasmuch as these controversyes arose rather out of prejudice then out of any reall cause, that they should addresse themselves to the healp of naighbours for the settleing of those matters, and that the said Pope should goe noe more through Barnes his land.

May.
PRENCE,
Gov^r.

**Att the Generall Court holden att Plymouth the 9th of June, 1665.*


9 June.
[*96.]

WHERAS there was an agreement made between the Court and Leftenant James Torrey and Cornett Robert Studson, as gaurdians vnto Josias Leichfeild and Anna, soñtimes the wife of John Allen, bearing date June, 1663, and stands vpon record p̄ticularly to bee seen, wee doe heerby declare and testify, that the said agreement wee did and doe clearly vnderstand was for a full and finall issue and settlement of what ptained vnto the said Leichfeild from Goodman Allens estate.

THO: PRINCE, Gov^r.
JO^N ALDEN,
JOS: WINSLOW,
THO: SOUTHWORTH,
THO: HINCKLEY,
WIL^L BRADFORD.

Nouember the 5th, 1663.

Receiued by vs, Cornett Robert Stetson and James Torrey, of Seittuate, of Micaell Peirse, of Hingham, the full and just sume of twenty pounds, for the vse of Josias Leichfeild, of Scittuate aforsaid; which twenty pounds the said Micaell Peirse was appointed to pay vnto vs for the vse of Josias Leichfeild aforsaid by the Court holden att N. Plymouth in New England in the month of June last past. In witnes wee haue heervnto sett our hands the day and yeare first aboue written.

The marke  of Cornett ROBERT STETSON,
JAMES TORREY.

The Constables of the seuerall Townes.

1665.

7 June.
PRENCE,
Gou^r.

| | | |
|------------|-----------|---|
| Plym̄, | | Mr Wilłam Crow, for Plymouth. |
| Dux., | | { Mr Samuell Saberry, Walter Briggs. |
| Scittū, | | Gor̄ Russell. |
| Sandwī, | | Richard Chadwell. |
| Taunton, | | Joseph Wilbore. |
| Yarfū, | | Joseph Howes. |
| Barnst̄, | | Thomas Laythorpe. |
| Marshfeī, | | { Nathaniell Thomas, Joseph Siluester. |
| Rehobō, | | Anthony Perrey, |
| Eastham, | | Joseph Harding. |
| Bridgŵ, | | Nathaniell Willis. |
| Dartmouth, | | Daniell Wilcockes. |

*The Grand Enquest.

[*98.]

| | | | | | |
|------------------------|---------------|-------------------|---------|---|--------------------------------------|
| sworne, | { | John Morton, | sworne, | { | Samuell Hickes, |
| | | Mr Joseph Tilden, | | | John Peecke, |
| | | Edward Jenkins, | | | John Woodcocke, |
| | | Phillep Delano, | | | Leifft Thō Haward, |
| | | John Bourne, | | | Samuell Smith, |
| | | John Smalley, | | | Stephen Skiffe, |
| | | Trustrum Hull, | | | John Washbourne, Juni ^r , |
| | | Robert Denis, | | | James Allin, |
| | | John Dingley, | | | John Smith, of Barnstable, |
| | | John Joyce, | | | for p̄sent respected, |
| Hezekiah Hore, absent, | John Howland. | | | | |
| Joseph Warren, | | | | | |

It was ordeř, agreed, and voated by the Generall Court now assembled, that the sume of one hundred and fifty pounds bee leuied by rate vpon the seuerall townes of this jurisdiction, accordinge to their proportions, for and towards the carrying on the publicke affaiers of the collonie for this p̄sent yeare, the charge of the majestrates table being enclued in the said sume, and the officers wages excepted ; of which said sume of one hundred and fifty pounds, forty therof to bee payed in money to bee leuied by rate forth with, and the warrants to goe out for the same with all convenient speed, soe as the said sume of forty pounds is to bee payed to the Treasurer by the last day of

1665. July next; and the hundred and ten pounds remaining to bee payed, one third pte therof in wheat, and the other two thirds in either wheat, pease, barly, or Indian corne.

7 June.
PRENCE,
Gov^r.

Vpon consideration of diuers p̄ticulars proposed and larġly agitated by the freemen of this jurisdiction assembled, concerning the proposition made by his ma^{ties} cōmissioners in reference vnto the manor of choise of the gōfurnors of this jurisdiction, and in reference vnto an adresse to bee made to his ma^{tie} for the renewall of our pattent, the Court haue ordered and roated, that the said p̄ticulares bee refered to future consideration.

Likewise, as conserning sending a pson for England as agent in behalfe of the country, to sollicit his ma^{tie} for the establishment of the bounds of our jurisdiction accordingly as they were lately sett by his ma^{ties} cōmissioners, it was concluded by the Court, that the said cōmissioners bee sollicitod to improve their best entēst in our behalfe to the vtmost for the obtaining therof; and soe to cōmitt the case to God and vnto his ma^{tie} for the succes, in regard of our p̄sent incapasitie otherwise to send.

In reference vnto the question concerning the continuance of the confederation of the Vnited Collonies, the Court haue ordered, that a loueing, curteous letter bee directed to the gōfurnment of the Massachusetts collonie, therin declaring that wee see not light to p̄sist on therin, and that yett notwithstanding, that if vpon further enformation and consideration of any returne from them or otherwise, wee shall see cause to send to another meeting in reference vnto a more ciuell and orderly breakeing of that, wee soe doe.

[*99.]

*In reference vnto the complaint of John Hathewey, of Taunton, against two Indians, the one named Tobey and the other Phillip, for stealing some swine from him, the said charge appeering to the Court to bee true, the Court haue ordered, that speedily they shall satisfy vnto the said Hathewey a swine as good as his other swine hee hath att home, that were fellowes to the swine soe stollen; and likewise, that for asmuch as the said Hathewey is not prouided att p̄sent with euedences conserning other swine in probabilitie stollen by them, that they, the said Indians, put in securitie to appeer att the next Generall Court of his ma^{tie} to bee holden att Plymouth the first Tusday in October next, to answare his further complaint on that behalfe.

Phillip acknowledgeth to owe vnto our soū lord the } 20 : 00 : 00
Kinge the sume of

Tobey the sume of 20 : 00 : 00

Daniell, allies Paquaho, the sume of 10 : 00 : 00

Napames the sume of 10 : 00 : 00

The condition, that if the said Phillip and Tobey doe appeer att the

Generall Court of his ma^{tie} to bee holden att Plymouth the first Tusday in August next, to answere the farther complaint of John Hathewey, of Taunton, against them for stealing of his swine, and not depart the said Court without licence ; that then, &c.

1665.

7 June.
PRENCE,
Gou^r.

Ensigne Macey is approued by the Court to bee leiftenant of the milleye companie of Taunton, and Thomas Leanard for ensigne.

The remainder of the time that Moses Crocker is yett to serue from the date hecrof, the Court alowes that hee shall serue it out with Thomas Hiland, Junir, of Scittuate, prouided that the said Hiland shall not dispose of him to any other without the Courts consent.

Vpon the earnest request of Phillip, the Indian sachem of Pocanacutt, for to haue libertie to buy a horse within our jurisdiction, the Court haue bestowed a horse on him, as judging it meeter then to giue him libertie to buy one ; the horse is that which is prouided for the trumpeter belonging to the troop of horse which is spared from the said service on condition that another bee prouided to bee in his rome.

In reference vnto diuers complaints made conserning John Williams, Junir, his disorderly liueing with his wife, and his abusiue and harsh carriages towards her both in words and actions, in speciaall his sequestration of himselfe from the marriage bed, and his accusation of her to bee a whore, and that especially in reference vnto a child lately borne of his said wife by him denied to bee legitimate, the Court saw cause to require bonds for the appearence of the said Williams att this p^rsent Court, and likewise sent for his wife to this Court ; and after the hearing of seuerall thinges to and frow betwixt them, the said Williams being not able to make out his charge against her, they were both admonished to apply themselves to such waies as might make for the recouering of peace and loue betwixt them ; and for that end the Court requested Isacke Bucke to bee officious therin, and soe dismissed them from the Court for that time.

Notwithstanding the law prohibiting the selling of horses to Indians, the Court aloweth Keencomsett, an Indian att Barnstable, to buy a horse to bee for his vse in husbandry, to bee done by the aduise and direction of M^r Hinckley, M^r Gorum, and Nathaniell Bacon.

It is enacted by the Court, that the neighborhood of Sowamsett bee accounted to bee within the township of Rehoboth and within that constablaricke, and the constable to p^rforme his office within the said neighborhood for the gathering of rates, &c, as in any other p^rte of his liberties.

Said neighborhood is to pay to the
x pound rate
x shillings
x yeare.

1665.

7 June.
PRENCE,
GOU^r.

[*100.]

These lands were graunted to the p^rsons heer named with all and singulare the appurtenances belonging ther-vnto, to them and their heires and assigns for euer.

*The Names of those that haue Lands graunted vnto them by the Court, viz^d, the Land which is purchased on the westerly Side of Namasskett Riuer, which is to bee equally deuided amongst them, and being soc deuided, is conceiued it will amount vnto thirty Acres a Share of good Land, as alsoe Com^oning adjoyning thervnto proportionable.

Imp^rmes, to the towne of Plymouth for a minnester, one share.
 To Namasskett, for a minnester, one share.
 To the Elder Cushman for his children, one share.
 To Henery Sampson for his children, one share.
 To Experience Michell for his children, one share.
 To Edward Gray ten acres, to lye in a square.
 To Gabriell Fallowell, one share.
 To Captaine Bradford, one share.
 To James Cole, Seni^r, one share.
 To Gyles Rickard, Seni^r, one share.
 To Mr Joseph Bradford, one share.
 To Anthony Snow, one share.
 To Nathaniell Morton, one share.
 To John Morton, one share.
 To Ephraim Morton, one share.
 To Edward Dotey, one share.
 To Gorge Bonum, one share.
 To Wiltam Harlow, one share.
 To John Wood, one share.
 To Henery Wood, one share.
 To John Dunham, Juni^r, one share.
 To Samucll Dunham, one share.
 To Joseph Warren, one share.
 To John Jourdain, one share.

In all 24 shares.

It was ordered by the Court, that the charge of the purchase of the said land shalbee equally bourne by all those which haue lands there, euery one a like proportion; and that none shall possesse about two shares of that land either of the p^rtenors or any other; and that if any one shalbee found to possesse about two shares therof, it shalbee forfeit to the countrey.

The Names of such as are graunted Land in that 'Tract of Land comonly called the Majors Purchase, whoe are to haue thirty Acres apece out of the best of it, and Comoning proportionable.

1665.

| | |
|---|------------|
| Willam Clarke, of Duxburrow, | one share. |
| Jonathan Dunham, | one share. |
| Benjamine Eaton, | one share. |
| Joseph Dunham, | one share. |
| Thomas Sauory for his children, | one share. |

7 June.
PRENCE,
Gov^r.

These lands graunted with all and singulare the appurtenances belonging ther-vnto, to them and their heires and assignes for euer.

It was ordered likewise by the Court, that wheras the lott of M^r Howland and the lott of Willam Nelson, with two others, which are judged very meane, that they bee alowed twelue acres apece att the heads of their said lotts.

The Court haue graunted vnto Zacary Eedey a smale gussett of land lying betwixt his land and the brooke, from his house below the path to Namasskett vnto the aforsaid brooke, vnto a bridg or way neare vnto a path that turnes out of the old way vnto Willam Nelsons house; the said pcell of land, soc bounded as aforsaid, is graunted vnto the said Zacary Eedey, to him and his heires for euer, with all and singulare the appurtenances belonging ther-vnto, on condition that the said Zacary Eedey doe continue a bridge neare his house in the place wher it is needed for horse and cart, for the vse of the country, for the full tearme of twenty yeares from the date heerof.

*The Court haue graunted vnto Major Josias Winslow a farme of two hundred acres of vpland, with meddow suitable and answarable thervnto, in regard of his extreordinary and emergent charges by him expended on the countreyes occations; the which farme lands hee is to looke out for in any pte of this gofment; and vpon his choise therof, to bee and appertaine, with all and singulare the appurtenances belonging thervnto, to him and his heires and assignes for euer; and the Court haue appointed M^r Constant Southworth and Cornett Robert Studson to lay it out for him.

[*101.]

A competency of land is graunted vnto M^r John Alden, Captaine Thomas Southworth, and M^r Constant Southworth in any land that may bee found and purchased att or about Namasskett or elsewhere; which when it is sought out and purchased, and report therof made to the Court, to bee further conferred to them and their heires & assignes for euer.

Sence the death of Leiftenant Torrey, the major and the Treasurer are appointed by the Court to lay it out.

In reference vnto a former libertie graunted by the Court vnto Cornett Studson, two hundred acres of land is graunted vnto him on the southerly side of the three mile square of land formerly graunted vnto M^r Hatherly, the said two hundred acres of land, with all and singulare the appurtenances

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belonging therunto to appertaine unto the said Cornett Robert Studson, to him and his heires and assignes for euer, to bee layed forth for him by Leiftenant James Torrey.

The Court haue graunted vnto Wilſam Brett, Thomas Haward, Seni^r, Arther Harris, Richard Williams, John Willis, and John Carey, to each of them, threescore acres of land lying betwixt the lands of Taunton and Teticut ; but incase these lands shall any of them fall within the last graunt of Taunton, these lands being before graunted to these men, notwithstanding it shall not make the former graunt void, but that the said lands shalbee and remaine, with all and singulare the appurtenances belonging vnto them, to the said Wilſam Brett, Thomas Haward, Seni^r, Arther Harris, Richard Williams, John Willis, and John Carey, to them and their heires and assignes for euer.

Leiftenant Freeman and Leiftenant Rogers are appointed by the Court to view a certaine iland petitioned for by Richard Higgins, and to purchase it if they shall see reason, and to make report thereof to the Court, that if they shall see cause they may dispose of it to him, the said Richard Higgins.

Fifty acres of land is graunted vnto Roger Annadowne, lying att a place called the Ten Mile Riuer, being a pte of that land which Captaine Willett bought, lying on the bounds of Rehoboth ; the said fifty acres of land, with all and singulare the appurtenances belonging therunto, to appertaine to him, the said Roger Annadowne, to him and his heires and assignes for euer.

[*102.]

*Wheras Wilſam Nicarson hath illegally purchased a certaine tract of land att Mannamoiett of the natiues, and hath noe visible estate to satisfy the breach of order, yett hath lately submitted himselfe vnto the clemency of the Court, this Court sees good to allow him, the said Wilſam Nicarson, one hundred acres of that land att or neare his house, to bee layed out according to the best descretion of Barnard Lumber, Marshall Nash, and Joseph Howes ; and the rest of the said land att Mannamoiett this Court graunts vnto M^r Thomas Hineckley, M^r John Freeman, M^r Wilſam Sarjeant, M^r Anthony Thacher, Nathaniel Bacon, Edmond Hawes, Thomas Howes, Seni^r, Thomas Falland, Seni^r, Leiftenant Joseph Rogers, to them and their heires for euer, by equall proportions to bee aloted to them, provided the said Wilſam Nicarson haue an equall proportion of the meddow lands there with them ; and these lands to bee proportioned between the said M^r Hineckley, M^r Freeman, and the rest aboue named, and the said Wilſam Nicarsons portion of land to bee layed out to him before the first day of December next ; and the Court orders, that the said M^r Hineckley, M^r Freeman, and the rest aboue named,

alow in marchantable countrey pay their equal proportions vnto him, the said Wiltam Nicarson, of that pay as hee shall make apeer vpon just account that hee payed for the purchase of the said lands; and this Court orders and impowers the said Barnard Lumbert, Marshall Nash, and Joseph Howes, in the name of the Court, to put M^r Hinckley, M^r Freeman, M^r Sarjeant, and the rest, into full possession of the said lands att Mannamoiett; and the Court doth graunt libertie vnto M^r Hinckley, M^r Freeman, and the rest, to purchase the tract of land att Mannamoiett adjacent as are not purchased, and equally to proportion them amongst themselues, soe that it exceed not aboue one hundred acres apeece; and this Court ordereth, that none of them shall sell or allianate his pte or proportion of his lands thervnto any pson or psons whatsoever but with the consent and approbation of his associates or of the Court; and the Court orders all the said lands att Mannamoiett to appertaine and bee within the liberties of the township of Yarmouth, as the lands between Bound Brooke and Stony Brooke are, vntill the Court shall see cause to order otherwise.

The Court haue ordered, consarning the land att Saconett, in reference vnto the petitioners for it called the ancient seruants, that none shall purchase the said lands soe as to bee any meanes to hinder them from any oppertunitie that may p̄sent for an orderly purchase therof, in order to a supply of such of them as are vnsupplied; the p̄sons allowed by the Court to purchase it for them, if any oppertunitie may bee had, are the major and the Treasurer.

A certaine p̄cell of meddow, or such swampy ground as tendeth towards meddow, is graunted by the Court vnto Pheneas Pratt and James Louell, lying on the westerly side of Phenias Pratts land that was graunted vnto him the last June Court, neare vnto the line betwixt the Massachusetts and this jurisdiction, the said p̄cell being about foure or fiue acres, bee it more or lesse, to bee equally deuided betwixt them, the said Pheneas Pratt and James Louell, to them and their heires and assignes for euer.

M^r Hinckley, Richard Bourne, and Nathanel Bacon are appointed by the Court to purchase some land of the Indians in the behalfe of the towne of Yarmouth.

Richard Bourne and Wiltam Bassett are appointed by the Court to view and purchase some lands desired by Edmond Freeman and Thomas Butler lying towards Saconesett, if they find it worth the purchasing, and to make report of it to the Court.

*The Court haue ordered, that the summe of fifty pounds bee settled vpon and payed to the Gov^r for this p̄sent yeare, to bee payed out of the treasury.

It is enacted and ordered by the Court, that notwithstanding the majes-

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Of this see another order 5 pages forward in this booke.

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trates bee rated to the charge of theire table and the officers wages, that the Treasurer shall take it of from them and place it on the countreyes account.

It is ordered by the Court, that Yarmouth and Marshfeild bee for the future rated ten shillings apeece in a forty pound rate, and that it bee charged on Dartmouth.

Conserving a highway to bee layed out att Yarmouth, it is ordered by the Court, that the jury that shalbee impannelled to lay out the said highway shall alsoe judge of the damage done to the marsh that the said way must goe through.

A Deposition appointed to bee recorded, as followeth.

Ann Hinde, the wife of Wiltam Hoskins, aged 25 yeares or therabouts, being examined and deposed before M^r Edward Winslow in a case between John Darbey and John Chipman, afeirnceth vpon oath as followeth:—

That the said Ann liued in the house of M^r Darbeyes father with the said John Chipman att such time as the said John Chipman came from thence to New England to serue M^r Richard Darbey, his brother; and that the said Ann came afterwards likewise ouer to serue the said Richard Darbey, when old M^r Darbey requested this deponant to comend him to his cozen Chipman, and tell him if hee were a good boy hee would send him ouer the money that was due to him when hee saw good; and further, wheras this deponant heard the said John Darbey affeirme that his money was payed to John Chipmans mother, shee further deposeth that his said mother was dead a quarter of a yeare or therabouts before her old master sent this message to his cozen Chipman; all which this deponant sweareth, and further knoweth not.

Before mee, EDWARD WINSLOW.

Taken the 2^{cond} of March, 1641.

An Order sent to Taunton from the Court prohibiting bad Iron to bee made there, as followeth.

To the clarke of the iron workes att Taunton, greeting.

These are to acquaint you that the Court requires you to signify vnto the owners that are ptenors in the iron workes att Taunton, that wheras there is great complaint of bad iron made there, that the Court requires them to take course with the workmen that hence forth the iron that shalbee made there bee good and marchantable, that soe the countrey bee noe more wronged on that behalfe.

The Courts order p mee, NATH: MORTON, Clarke.

1665.

An Order directed to the Townsmen of Scituate, as followeth.

9 June.
PRENCE,
GOU^r.

The Court hath bine enformed of your reddines to appoint some of your townsmen to the healing about the settling of the bounds of some lands of Wiltam Randall, which hath bine hindered of accomplishment of that worke by some vnworthy speeches of the said Randall; yett being very desirouse of your peace as our owne, therefore wee request that you would againe nominate some other psons for that worke, and desire with your leau that you would request Cornett Studson to bee healpfull to the aforsaid Humphrey Turner and Walter Woodward to doe the same. This is the desire of the rest of the majestrates, as your frind acquaints you.

THOMAS SOUTHWORTH.

Plymouth, the 9th of June, 1665.

[*105.] *An Account of the Liquors brought into the Towne of Eastham, as followeth.

The 28th of the 9 month, 1664.

Thomas Paine, 5 quarts of liquor.

Joseph Harding, 2 gallons, twenty pound of shott, and 3 pound of powder.

M^r Crosbey, 1 gallon of liquor, six pound of shott, and three of powder.

Gorç Crispe, 2 gallons of liquor.

Daniell Done, one gallon of liquor, and 3 pound of powder, and 20^{li} of shott.M^r John Freeman, two gallons of liquor.

Edward Banges, six gallons of liquor.

Aprill, 65. Thomas Paine, 1 gallon of liquor, and 2 gallons of Gorge Crispe.

Nicholas Snow, 1 gallon and an halfe of liquor.

Joseph Harding, one gallon and an halfe of liquor.

The 23 of the 10th, 64. Ralph Smith, 2 gallons of liquor, 35 pound of shott, and five pound of powder.

Stephen Hopkins, 2 pound of powder, 1 gallon of liquor.

Aprill, 65. Ralph Smith, 2 gallons of liquor, and bought for Josias Hubbert, of Hingham, fifteen gallons of liquor.

Richard Higgens, 1 gallon of liquor.

John Mayo, two gallons of liquor.

John Smalley, one gallon of liquor.

Trustrum Hull, of Barnstable, brought a barrell of rum to the towne of

Eastham, and sold it, but gaue noe account of it to either of vs, and wee thought it good to giue the Court notice of it.

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Gov^r.

WILLAM WALKER,
JOHN DONE.

Thomas Little, for not keeping secret, but discloseing, }
the proceedings of the grand enquest, being one of }
them, was fined } 01 : 10 : 00

Samull Norman, being convicted of telling of a lye, 00 : 10 : 00

Gyles Rickard, Seni^r, for swearing the 2^{cond} time, being proued by two witnesses according to law, was centanced to bee imprisoned twelue houers, which alsoe, with the former sentence of the same kind for the like, were both att this Court inflicted ; his punishment for the latter had not bin soe eazey but that the Court considered some matteriall cercoinstance about the case respecting the witnesses, which occasioned the mittigation of the punishment.

Thomas Lucas, for swearing by the wounds of God, was sentenced to bee imprisoned 24 houeres, which accordingly was inflicted.

John Rushell, of Acushena, allis Dartmouth, acknowl- }
idgeth to owe vnto our sofl lord the Kinge the }
sume of } 20 : 00 : 00

Edward Gray the sume of 10 : 00 : 00

The condition, that if the said John Rushell shall and doe appeer att the Released.
Generall Court of his ma^{tie} to bee holden att Plymouth the first Tusday in October next, to answere to any thinge that may bee further objected against him conserning attempting the chastitie of Hannah, the wife of Willam Spooner, &c, and in the interem of time bee of good behavior towards our sofl lord the Kinge and all his leich people, and not depart the said Court without lycence ; that then, &c.

Att this Court, fifty shillings was abated of Ruhamah Turners fine.

*Wheras Willam Nicarson, of Yarmouth, stood convicted diuers yeares about eregulare purchaseing of lands att Mannamoiett, the penaltie wherof is fue pounds for euery acree soe purchased, which amountes to much more then all hee hath is able to satisfy, and that warrants haue bine issued out for the leuying of the same in part ; and that before the execution therof, the said Nicarson made some applycation to his ma^{ties} comissioners att Plymouth, February the 22^{cond}, 1664, and that the said his ma^{ties} comissioners were pleased to moue the Court on his behalfe, incase the said Nicarson should submitt himselfe to the Court ; and that the said Nicarson then did acknowledge his mistake of the said order ; this Generall Court, takeing notice of and willing to

[*106.]

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Gov^r.

Of this see another order in the actes of this Court 4 pages backwards in this booke.

gratify the said comissioners theirein, and not to procecute thinges to extreamities, doth therefore order the remiting of his fine, and alsoe allow him one hundred acres of the said land, to bee layed most conveniently to his house there, with a convenient portion of meddow ground, to him and his heires for euer; and alsoe what moneyes hee hath giuen to the Indians as for that regulare purchase of the lands shalbee repayed vnto the said Nicarson by the psons to whom the Court hath disposed of the rest of the lands there according to their seuerall proportions; the psons are as followeth, viz^d: M^r Thomas Hinckley, M^r John Freeman, M^r Wiltam Sarjeant, M^r Anthony Thacher, M^r Thomas Howes, Seni^r, Nathaniell Bacon, Leiftenant Joseph Rogers, M^r Edmond Hawes, and Thomas Falland, Seni^r; this Court therefore authoriseth Marshall Nash, Barnard Lumbert, and Joseph Howes, in the name of the Court, to measure out the said proportions of land vnto Wiltam Nicarson, as alsoe to the other psons abouenamed, and to giue them possession therof in the name and behalfe of the Generall Court, to haue and to hold to them and their heires for euer.

‡Propositions made by the Court to the seuerall Townshipes of this Gou^rment, refered to Consideration vntill the next Adjournment of this Court.

Concerning dormant lands, that the psons bee rated in such townships as the psons that owne them inhabites.

‡1. That all psons lyable to bee rated, in euery towne of this gou^rment, bee rated according to their visible estates and faculties, that is, according to their goods, faculties, and psonall abillities, whether they are in lands, both meddow lands, improved lands, or dormant lands appropriated, or in cattle, goods, or stocke employed in trading, in boates, barques, &c, mills, or other visible estate; but for the incurragement of trafficke that it bee ordered, that barques, catches, and bigger vessells may not bee rated aboue halfe their value; dormant lands, both vpland and meddow, out of townships, to bee rated for euery hundred acres according to 40^s estate; and if any pson lay downe any pte of his proprietie to the comonage of the companie then associated together, hee shalbee rated but for what quantitie hee keeps his propriety in; and concerning stockes employed in trading att home in and about the townships where hee liues, shalbee rated onely for two thirds of such stockes soe improved, as thus: 120^{li} stocke to bee employed in trading shalbee rated onely for 80^{li}, and soe proportionable.

‡Proposition 2^{cond}. That the Gou^rners that for the future shalbee chosen bee allowed fifty or sixty pounds p annum; and that there bee but five majestates chosen yearly, and they to haue, each of them, twenty pounds p annum, and they to beare their owne charges.

‡And if not soe, that there bee a standing counsell chosen ; and that there bee three in number besides the Gou^r alwaies of that counsell, it being alwaies att the libertie of the Court to renew the choise of that counsell as often as they shall see cause, allowing vnto the counsell ‡sixty pounds a yeare, ‡ ||twenty pounds a peec.||

‡And if soe, that the country doe make choise of two or more yearly for majestrates to bee aded vnto them, and the country to beare onely the charge of their table att the seuerall Courts.

‡This Court is adjoined vntill the 2^{cond} Tuseday in October next.‡

1665.

9 JUNE.
PRENCE,
GOU^R.

**Att the Court of Assistants holden att Plymouth the first Day of August, 1665.*

1 August.
[*107.]

BEFORE Thomas Prence, Gou^r,
William Collyare,
Josias Winslow,

Thomas Southworth, and
William Bradford,

Assistants, &c.

ATT this Court, Edward Williams, att the request of the Court, engaged to pay vnto Ann Crooker, widdow, the sume of forty shillings in good cloth, att a reasonable rate, which hee giueth vnto the said widdow, to bee forth with deliuered vnto her or her assignes att his returning home ; which hee doth in consideration of her poor condition, and that it bee a finall end of all controuersyes between the said Ann Crooker and the said Williams consarning her sonne, Moses Crooker.

In reference vnto a horse in controuersy between Major Winslow and Ephraim Tinkham, the Court haue ordered, that the said horse bee forthwith deliuered vnto the said major, and to run vpon his ground vntill the next October Court to bee holden att Plymouth aforesaid, causalties excepted, and then to cause him to bee brought to the Court, and that then all such euidences as can bee procured bee produced for the clearing vp of the right owner.

Memorandum : that M^r Eames, Seni^r, Nathaniell Warren, James Clarke, and Edward Williams had the sight of the said horse, and did affeirme, that, according to their judgments, he was then three yeares and advantage.

In reference vnto John Dunham the younger, for his abusiue carriage

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1 August.
PRENCE,
Gov^r.

towards his wife in continuall tirausing ouer her, and in p̄ticulare for his late abusie and vnciuill carryage in endeauoring to beate her in a deboist manor, and for affrighting of her by drawing a sword and pretending therwith to offer violence to his life, hee, the said Dunham, is sentansed by the Court to bee seuerly whipt; but through the importunitie of his wife, the execution of the said centence was respeted for p̄sent vntill the Court shall take further notice of his future walking, and then to doe therin as occation shall require; and for the preuension of future euill in the like kind, the Court sees cause to require securite for his good behaiour vntill the next Generall Court, and soe from Court to Court vntill the Court shall see cause otherwise to order.

| | |
|---|------------------------------|
| John Dunham the younger acknowledgeth to owe vnto | } ⁱⁱ 20 : 00 : 00 |
| our soū lord the Kinge the sūmē of | |
| Gorge Bonum the sūmē of | 06 : 13 : 04 |
| Benajah Pratt the sūmē of | 06 : 13 : 04 |
| Jonathan Dunham the sūmē of | 06 : 13 : 04 |

Released.

The condition, that if the said John Dunham bee of good behaiour towards our soū lord the Kinge and all his leich people, and in p̄ticulare towards his wife in reforming his former abusie carryage towards her both in word and deed, and appeer att the Generall Court of his ma^{tie} to bee holden att Plymouth the first Tusday in October next, and not depart the said Court without lycence; that then, &c.

Att this Court, John Arther appeered, according to summons, to answare for abusie speeches and for entertaining of the wife of one Talmon and the wife of Wiltam Tubbs; but the said Arther pretending hee could procure euidence to cleare him in some of the p̄ticulares charged, hee, engageing to appeer att October Court, is for the p̄sent released.

The Major Winslow, Anthony Snow, John Bourne, and Wiltam Paybody are appointed by the Court to rectify a difference and controuersy between Moses Simons and Samuell Chandeler in reference vnto the bounds of there lands where they now inhabite in Duxburrow.

**At the Court held at Plymouth the third Day of October, 1665.*

1665.

BEFORE Thomas Prence, Gou^r,
 Willam Collyare,
 John Alden,
 Josias Winslow,

Thomas Southworth,
 Willam Bradford, and
 Thomas Hinckley,

Assistants, &c.

3 October.
 PRENCE,
 GOU^r.
 [*108.]

THIS Court haue appointed John Pecke, John Allin, and John Woodcocke, of Rehoboth, to adminnester on the estate of Richard Ormsbey, late deceased att Rehoboth, to pay all due debts due and owing vnto any pson or psons from the said estate, soe farr and by proportion as the estate will amounte vnto, and to bee reddey to giue in a just account therof vnto the Court when required by them.

The Court doth allow vnto Sarah Ormsbey, widdow, the best bed that shee hath, with a boulder and a paire of pillowes, a paire of sheets, a paire of blanketts, and the best rugg or couerlidd that was left, and curtaines and vallowe to the bed, and all her owne wearing apparrell.

M^r Joseph Tilden and Jeremiah Hatch are allowed and appointed by the Court to bee guardians vnto Nathaniell Man; and John Cowine is required by the Court to surrender him vp to their dispose as his guardians.

A judgment of eight shillings and the charges of the summons is awarded by the Court to bee payed by Abraham Jackson to Willam Nelson, in reference and for the ending of a controuersy betwixt the said pties about the keeping of two cattle some time the latter end of the last winter.

In reference vnto a controuersy betwixt John Smith, Morris Truant, and Richard Child, conserning a bargaine about the building of a house, the Court haue ordered, that the said Smith shall finish the said house according to his bargaine, and that the said Child doe prouide diett for him dureing the time hee is about it; and wheras the said Truant, by a wronge attachment serued on the said Smith, and by detaining of his tooles, and by neglecting to supply him with boards and nailes suitable to the finishing of the said worke, and diett when hee was about it, and that hee, the said Smith, hath bine att considerable charge for witnesses in reference vnto the said controuersy, the occasion of which trouble and charge hath mainely arisen by the said Morris Truant his meanes, the Court haue awarded him to pay vnto the said John Smith the sume of forty shillings.

M^r Thacher, M^r Hawes, and Robert Denis are appointed by the Court to receiue the excise on liquors, &c, att Yarmouth, this yeare.

Att this Court, open proclamation was made, that if any can lay any claime to any due debt from the estate of Richard Ormsbey, they are to come in betwixt this date and the first of October next.

1665.

3 October.
PRENCE,
Gov^r.

Eres of adminnstration are graunted vnto Thomas Roes, of Scittuate, and his wife, to adminnester on the estate of Jonas Pickles, deccased.

These p^rsents witnesses, that the abouenamed Thomas Roes engageth before the Court, that if incase God giue him any children, that when hee dieth hee will leaue that estate which God giues him to bee equally deuided amongst the children of Jonas Pickles and his in equall proportion; and incase hee die without any child of his owne before his wife, hee will leaue his estate vnto his wife to bee disposed of by her; and likewise hee doth engage, that if his wife die before him, that hee will dispose of a considerable p^rte of his estate to the children of the said Jonas Pickles as the Court shall thinke meet.

‡Eres of adminnstration are graunted vnto [^], the wife of Leiftē James Torrey, deceased, to adminnester on his estate, and hath giuen securitie to the Court for her true adminnstration thereof. ‡

[*109.]

*‡Att this Court Ensigne Johu Williams appeered, being su^moned to answare the complaint of M^r Barnabas Laythorp, in the behalfe of his sister, the wife of the said Williams, whoe complaned of the said Williams of vnkind, churlish, and vnworthy behaiour in seuerall respects towards his wife; shee being alsoe in Court, appeering according to su^mons, and pleaded her innosensy in such thinges as were by him layed to her charge, especially in reference vnto the child lately borne of her body, affeirming before her and vnto him in the Court that the said child was his, begotten by him, the Court being ‡ [^] [^]

John Shelley, for ployning a quantitie of liquors from M^r Barnabas Laythorp aboard his barque, is centanced to sitt in the stockes att Barnstable on a training day for the space of three houres; and for his telling a lye in his examination about it, hee is sentanced, according to the law, to pay ten shillings to the vse of the collonie.

James Cudworth, Juni^r, for comⁱting earnall copulation with his wife before marriage, is fined, according to the law, fiue pounds to the vse of the collonie.

Sarah Ensigne, for comⁱting whordome agreuated with diuers cercomstances, was centanced by the Court to bee whipt att the cartstaile; and that it bee left to the descretion of such of the majestrates as shall see the said punishment inflicted for the number of stripes, but not to exceed twenty, which accordingly was inflicted this Court.

John Barnes, being lately detected of being wise drunke, is fined twenty shillings.

Gyles Rickard, Seni^r, for suffering John Barnes to bee drunke in his house, is fined fiue shillings.

Thomas Lucas, for being drunke, fined ten shillings.

Thomas Phelpes, for telling of a lye, fined ten shillings.

James Cole, Seni^r, for suffering Richard Dwelley to bee drunke in his house, fine five shillings.

M^r Paine, Leiff Hunt, and Wiltam Brett, for none appeerance as deputies att this Court, fined each twenty shillings.

Samull Edson, for none appeerance att the Court, being summoned to serue on a jury, fined ^ ^

Ordered by the Court, that Thomas Huckens and Joseph Laythorp bee required either to pay their excise or to repaire to the Court to giue a reason of their refusing to doe it.

In reference vnto the p^rsentment of Edward Sturgis, Seni^r, for swearing falsly, the Court, considering the invaliditie of one of the witnesses, doe not see reason to judge him guilty of swearing falsly, although they conceiue hee might haue bine more considerate in his apprehensions, as deeming the boat might bee affloat, and hee not see it.

*Wheras John Williams, Juni^r, appered before the Court held att Plymouth the seauenth of June last past before the date heerof, to answare for his disorderly liueing with his wife, and his abusive carriages towards her both in words and actions, in speciall his sequestration of himselfe from the marriage bedd, and that notwithstanding the Court then tooke such order about it as was judged meet for p^rsent, yett the said Williams not attending that due reformation expected from him, wherby M^r Barnabas Laythorpe hath seen cause, in the behalfe of his sister and those related to her, to reuiue the former complaint, with some additionall charges; to which the said Williams, though seeming to desire the tryall of such his guiltines or not guiltines might bee put on a jury of his peers, yett afterwards refused it when graunted to him by the Court; this Court, being earnestly desirous of a renewed closure of his hart and affections to his wife, and that his future conversation with her might bee better then his former, were willing to extend what lenitie might bee, and in reference thervnto, with exhortation of him to amend his wayes respecting the p^rmisses, hee was released att the p^rsent.

Notwithstanding, the wife of the said Williams, in reference vnto diuers scandalous reports cast abroad conserning her, desired that open proclamation might bee made in the Court tending to the clearing of her name, which accordingly was done as followeth:—

Wheras Elizabeth, the wife of John Williams, hath bine openly traduced and scandalised in her name, and by false reports and reproaches rendered as if shee were a dishonest woman, and that the child shee brought forth into the world was not legitimate, these are to declare openly before the country, that the Court, haueing had sundry occations to heare and examine p^rticulars sun-

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3 October.
PRENCE,
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[*110.]

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dry times relateing to the promises, can find noe cause of blame in her in such respects, but that shee hath behaved herselfe as one that hath faithfully obserued the bond of wedlocke, and that shee and her frinds hath bine much wronged by such reports.

Mr Anthony Thacher is authorised by the Court to make contracts of marriage in the townshipe of Yarmouth, and likewise to adminnester an oath to any witnesses for the tryall of a case as occasion may require within the said townshipe, and likewise to adminnester an oath to giue euidence to the grand enquest as there shalbee occasion within the said townshipe.

John Williams, Jun^r, is allowed & appointed by the Court to bee guardian vnto John Barker, and is required by the Court to bringe him vp in a way of education and learning, soe as may bee to his advantage and healp when hee comes to bee of age, by puting him forth to a trad, &c.

[*111.] *Orders and Conclusions, with seuerall Graunts of Lands, made, ordered, graunted, and concluded att the second Session of the Generall Court begun the seauenth Day of June last, adjoined vnto this present Day, being the eleuenth of October, Anno Doñi 1665.

Wheras, in regard of the remote distance of our honored Gov^r his former habitation, and being the country saw reason to desire and request his remouall vnto the towne of Plymouth for the more conuenient administration of justice, and that, by Gods prouidence hee is now remoued to his great inconuenience and detriment,—

This Court haue ordered, and doe vnanimously agree to allow vnto him the sume of fifty pounds a yeare soe longe as hee shall remaine in the place of Gov^r.

And wheras hee is resedent in a place purchased by the country for that end, this Court haue likewise ordered, that incase hee shall decease att any time whiles hee is in the place of Gov^r and inhabiting the said seat or being, that then his family shall and may without molestation continew in the said place or seate for the full tearme of one yeare after his decease att the least; and likewise, that incase there should bee any alteration that any other should bee chosen to the place of Gov^r whiles hee liueth, that hee shall and may, notwithstanding, remaine in the said place without molestation for the full tearme of one yeare after such alteration att the least.

In regard of the many occasions that Captaine Southerworth hath bine employed about in the behalfe of the country, wherby hee hath bine much hindered in his owne occasions, to his great lose and detriment, the Court haue allowed him the sume of ten pounds.

This Court hath ordered, in reference to the building of the Eclriuer

bridge, that thirty pounds bee by the countrey allowed towards the same, the eight pounds already payed being a pte; and if when the worke is done it doe appeer by a faire account that it hath bine much more chargeable, the Court doe engage to doe what further may be judged meet.

Wheras formerly Richard Bourne and Wilſam Bassett were appointed by the Court to purchase a pcell of land desired by Thomas Butler, and that it doth appeer vpon tryall that the Indians will not pte with it, a further libertie and order is graunted to the said Richard Bourne and Wilſam Bassett, in the behalfe of the said Thomas Butler, to purchase other land desired by him, and that they make reporte therof to the Court, that they may doe therein as they shall see meet.

John Smith and John Russell, of the towne of Dartmouth, are appointed by the Court to make enquiry concerning some damage done to some Indians without the bounds of Acushenah by the horses of the English on the east syde of Acushenah, and to settle the said controuersy by takeing course for the satisfying of such damage as shall appeer vnto them.

Cornett Studson and Wilſam Paybody are appointed and requested by the Court to haue the ouersight of the worke in the rebuilding of the bridge at Joneses Riuer, intended and ordered to bee done by the countrey.

*The Treasurer, John Cooke, and Nathaniel Warren were appointed by the Court to treat with Phillip the sagamore about the sale of such lands as are to bee sold by him, and to purchase them in the behalfe of the countrey.

The major, the Tresurer, Cornett Studson, and Nathaniell Warren, or any three of them, are deputed by the Court to make sale of such lands as belonge to the countrey, not exceeding aboue eight hundred acres.

Libertie is graunted vnto M^r John Alden, that if hee can find a portion of land fitt for accomodation, ether that hee may purchase it or that two of the other majestrates shall purchase it for him.

Wheras the Court haue formerly impowered Cap^t Thomas Willett to purchase of the Indians certaine tracts of land on the north of Rehoboth towards the Bay line; the which hee hath done, and is out of purse some considerable sume of money for the same; this Court haue appointed the honored Go^v, the Major Winslow, Cap^t Southworth, and M^r Constant Southworth to treat with Cap^t Willett concerning the said purchase, and haue impowered the abouenamed comittee to take notice of what hath bine purchased by him, and what deeds hee hath, and what his disbursments haue bine for the same, and haue alsoe impowered them to settle vpon him such a proportion of the said lands as may appeer to bee equall vpon any graunt to him, and to accomodate the towne of Rehoboth respecting an enlargment of

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PRENCE,
Gou^r.

[*112.]

1665. their towne, as the Court haue promised, and to take such course concerning the remainder as that hee may bee reimbursed of his just due, and those lands may bee settled by the Court.

3 October.
PRENCE,
Gov^r.

In reference vnto the request of the Kinges cōmissioners, in the behalfe of Leiftenant Peregrine White, desiring that the Court would accomodate him with a portion of land, in respect that hee was the first of the English that was borne in these p̄tes, and in answare vnto his owne petition prefered to this Court respecting the p̄mises, —

Of this graunt see more in the great booke, folio 87, named Evidence of Lands enrowled.

The Court haue graunted vnto him two hundred acres of land lying and being att the path that goes from Bridgewater to the Bay, adjoining to the Bay line.

Threescore acres of land, with four acres of meddow, and a certaine smale iland att a place called Patonumatucke, is graunted by the Court vnto Josias Cooke.

One hundred and fifty acres of land are graunted by the Court vnto the three sisters, the daughters of Roger Chandeler, deceased, viz^s, to each of them fifty acres, lying between the Bay line and the bounds of Taunton, according to the desire of John Bunday.

[*113.]

*Two hundred acres of land is graunted vnto the four younger sonnes of Leiftenant James Torrey, lying aboue Weymouth, neare vnto the line of the Massachusetts, to bee att the disposing of Captaine Wiltam Torrey for the good of the said children, according to a petition prefered to the Court to that purpose.

In answare vnto the petition of Thomas Little and Josias Keane, the Court haue graunted vnto them libertie to looke out for a portion of land for their accomodation; and incase they can find it, the Court haue graunted vnto each of them one hundred acres of land, viz^s: vnto Thomas Little one hundred acres in reference vnto land surrendered vp by him att Manomet Ponds, and vnto Josias Kean one hundred in respect vnto his great nessesitie.

The Court haue graunted vnto Ensigne Eames and vnto Isacke Chetenden, to each of them, a hundred acres of land lying and being neare vnto Accord Pond, viz^s, that which some of Hingham formerly refused.

M^r Thacher, M^r Howes, and Robert Dennis appointed by the Court to looke after the order about the excise in the towne of Yarmouth.

Letters of adminnestration are graunted vnto Ann, the relect of Leiftenant James Torrey, late of Scittuate, deceased, to adminnester on the estate left by him, the said estate being left in her hand to be improued for the bringing vp of their children, both whiles shee remains a widdow and afterwards, if it please God to alter her condition, and for that end haue impowered M^r Joseph Tilden and Walter Hatch to bee ouerseers therof.

**At the Court of Assistants held at Plymouth the 2^{cond} of
December, 1665.*

1665.

2 December.

BEFORE Thomas Prence, Gov^r,
Wiltam Collyare,
John Alden,

Thomas Southworth, and
Wiltam Bradford,

PRENCE,
Gov^r.
[*114.]

Assistants.

IN reference vnto a complaint against Abraham Jackson for corrupting of seuerall barrells of tarr by puting of dirt into the same, the Court, taking notice of diuers testimonies to cuince the truth therof, doe judge that noe other could doe it, and therefore doe centance him to pay a fine of five pounds to the vse of the collonie.

And in reference vnto the complaint of Gyles Ricard, Juni^r, that hee hath lost foure barrells of tarr, and supposing that hee hath found them amoñst the tarr of Abraham Jackson, the said tarr being attached and bound oner vnto this Court, the Court, hauing heard both p̄ties concerning the same, and suspecting that the said tarr is the said Ricards, doe require securitie of the said Jackson to make further answare thervnto att the Generall Court of his ma^{tie} to bee holden for this goũment the first Tusday in March next, vnless the said p̄ties agree the case before that time ; which incase they doe, then theire said agreement to bee a finall end therof in reference to the Courts taking any further notice therof.

Abraham Jackson acknowledgth to owe vnto our soũ lord the Kinge the sume of five pounds.

The condition, that if the said Abraham Jackson shall and doe appeer att the Generall Court of his ma^{tie} to bee holden att Plymouth the first Tusday in March next, to make further answare concerning foure barrells of tarr challenged amongst his tarr by Gyles Rickard, Juni^r, and not depart the said Court without lycence ; that then, &c.

Since this date Gyles Rickard, Juni^r, hath receiued of Abraham Jackson four barrells of tarr in reference vnto these bonds, according to order of Court.

In reference vnto the complaint of Wiltam Hoskins against Robert Ransom, for calling him rogue and other abusiue tearmes, and alsoe for violent assaulting of him when hee was att his house and in his honest labour, and for many threatening speches spoken by him against the said Hoskins, the said Ransome being by the Court admonished, and promising reformation, the said Hoskins rested satisfied, and soe the matter was ended.

In reference vnto the complaint of Hester, the wife of John Rickard, against Ann, the wife of Wiltam Hoskins, for slaundering her in saying the said Hester was as drunke as a bitch, and found in private companie in an ordinary with John Ellis, of Sandwich, the said Ann Hoskins acknowledgning

1665. her fault in open Court in reporting such thinges, haueing noe sufficient ground soe to doe, the said Hester Rickard therin rested satisfied, and soe the matter was ended.

2 December.
PRENCE,
GOU^r.

Att this Court, Nathaniel Bacon, John Chipman, John Tompson, and Trusterum Hull were approued by the Court to bee the select men of the towne of Barnstable.

Att this Court, an Indian, called John, haueing bin comitted to prison for stealing of a gun and an axe from Wiltam Harvey, of Taunton, forasmuch as neither the said Harvey nor any other appeered att the Court to proeecute against him, hee haueing bine longe in durance and vudergon much hardship, hee was ordered by the Court to repaire to the said Harvey, and either by worke or otherwise to satisfy the wrongs done him by takeing away his said goods; and soe the said John, with warning to doe soe noe more, was sett att libertie.

1665-6. *Att the Court of Assistants held att Plymouth for the Jurisdiction of New Plymouth, the sixt of February, 1665.

6 February.

[*115.]

BEFORE Thomas Prence, Gouvernor, & Thomas Southworth, and
Josias Winslow, Wiltam Bradford,
Assistants.

IN reference vnto the complaint of M^r Samuell Arnold against M^r Wiltam Thomas, for that hee charged him that in his catichisme hee had deliuered and taught horrible blasphemy in teaching that Christ as God is equall with the Father, but as mediator the Father is greater than hee, although the testimonies doe not make out the extent of the charge, yett the Court doe adudge, that it was great arogancy in M^r Thomas to expresse himselfe as hee did in tearmes as of horrible blasphemy vpon his meer apprehensions, and can not but owne that which M^r Arnold hath asserted to bee an orthodox truth concerning the controuersy, and therefore doe aduise the said M^r Thomas for the future to carry more soberly, and to bee willing to receiue the truth in the loue of it.

A judgment of 01 : 10 : 11 was graunted vnto James Cole, Seni^r, against John Suttin, in reference to an apparent debt owing by the said Suttin to the said Cole; the charges of the complaint is included in the abouesaid sume.

In reference vnto the complaint of Nathanel Warren against James

1665-6. certaine tract of land purchased by Captaine Willett on the north side of Relioboth, which said order impowereth the said com̄ittee to dispose and settle a proportion of the said lands on the said Cap̄t Willett as they shall thinke meet, and doe therefore settle and confirme vnto him foure or fiue hundred acres of the said land, to bee layed out for him on the easterly side or end of the said land, to him and his heires for euer.

6 March.
PRESENCE,
Gov^r.

Wheras Joseph Whiston, the eldest son of John Whiston, of Scittuate, deceased, hath freely and absolutly made ouer and allianated his whole p̄te and share of land in Conihassett land, bee it more or lesse, vnto the rest of his brothers and sisters, the children of the said John Whiston; and wheras the said land, as it is in its p̄sent condition, is not like to conduce to the good and benefitt of the said children, these may certify, that with the free and full consent of the p̄ties on each side interested, the Court hath giuen libertie vnto the said Joseph Whiston, with the heelp of his father in law, Wiltam Brookes, and his vakell, Edward Jenkins, to make sale therof for the vse and benefitt of the aforsaid children, and to bee disposed of vnto them by order from the Court in equall proportions, according as they or any of them are or shalbee of age to receiue their p̄te therof.

In reference vnto a purchase of land made by John Cooke, in the behalfe of some others, of a p̄te of the iland called Nakatay, the Court haue ordered, that in case those for whom hee purchased the said land doe not satisfy him for the purchase therof and other nessesary charges about it betwixt this date and the next June Court to bee holden att Plymouth, that the said land bee then made ouer to him for satisfaction of the said purchase and charges.

In reference vnto a way desired by M^r Howland to his house and land att Roeky Nooke, the Court haue ordered, that in due and convenient time a jury bee impanneled to lay out the said way.

This bond is cancelled in open Court held att Plymouth March the 7th, 1667-1668.

These p̄sents witnesseth, that Cap̄t James Cudworth and M^r Joseph Tilden doe by these p̄sents stand bound vnto the Court of Plymouth, in New England, in the sume of ten pounds, joyntly and seuerally, in reference vnto a p̄sell of coopers stuffe and bolts attached on Conahassett land, that they haueing libertie from the said Court to dispose of the said stuffe and bolts, that in case any other shall or doe appeer betwixt this date & the Court of his ma^{tie} to bee holden att Plymouth the first Tusday in June next, and can make proffe that they are belonging to them, if then the said Captaine Cudworth and M^r Tilden bee in a reddynes and doe make satisfaction for the said stuffe and bolts to such as shall soe cleare vp their right therunto, that then this engagement to bee void, or otherwise the said sume of ten pounds to bee payable to the Court vpon their demand.

Att this Court, Quachattsett, the Indian sachem, of Mannomett, came into the Court, and owned that Nanumett and Nocroft, two other Indians, haue a p̄te in Mannomett old feild ; and hee doth heerby engage not to make sale therof from the said Indians, and that they shall haue libertie of wood and timber for fiering and other vses out of the bordering woods to the said feild ; and it was mutually desired by the said Quachattsett and the said Indians, that the p̄mises should bee heer recorded for their securitie.

1665-6.

6 March.
PRENCE,
Gov^r.

*In reference vnto the complaint of Mistris Howes against Edward Sturgis concerning a p̄cell of sturcion sould by some Indians vnto her, the Court, finding vpon examination that the said sturgeon was not deliuered vnto her according to agreement, doe order, that the said Indians bee required by order of Court to make satisfaction vnto her for the same.

[*117.]

Att this Court, Joseph Howes, the constable of Yarmouth, complained against Thomas Starr for opposing him and vseing threatening speeches to him in the execution of his office ; the said Starr desiring to haue the case tryed by jury, a jury was impannelled, whose names are as followeth :—

| | | | | | | |
|---------|---|--|---|---------|---|------------------------------------|
| sworne, | } | Mr Josias Winslow, Seni ^r , | } | sworne, | } | Edward Jenkens, |
| | | Cornett Robert Studson, | | | | John Turner, |
| | | Christopher Wadsworth, | | | | Wiltam Sabin, |
| | | Wiltam Harlow, | | | | Leiffr Hunt, |
| | | Samuell Dunham, | | | | Gyles Rickard, Juni ^r , |
| | | Joseph Warren, | | | | Benajah Pratt. |

These found the said Thomas Starr guilty of the said fact ; and therefore hee was centansed by the Court to pay a fine of fve pounds to the vse of the cuntry.

Att this Court, M^r Anthony Thacher complained against Thomas Starr, Jonathan Barnes, and Abraham Hedge for abusie carriages towards him in his house ; in reference whervnto the said Starr, Barnes, and Hedge were sentanced to pay vnto the said M^r Thacher the sume of fve pounds, viz^t : the said Thomas Starr the sume of forty shillings, Jonathan Barnes the sume of forty shillings, and Abraham Hedge the sume of twenty shillings ; and in reference vnto their rictus carriages att the same time in breakeing the Kings peace, for the which bonds was taken of each of them vntill this Court, the Court sentanced them to bee comitted to prison, and their to remaine during the pleasure of the Court ; which accordingly was p̄formed, and the next day after their comittment were sett att libertie, and their bonds deliuered to them.

And in reference vnto the said Thomas Starr and Jonathan Barnes their

1665-6. abusiue carriage to Francis Baker att the same time, they, the said Starr and Barnes, were sentanced by the Court to pay vnto the said Baker, each of them, the sume of twenty shillinges.

6 March.
PRENCE,
Gov^r.

And in reference vnto the said Francis Baker and John Casley their breach of the peace att the same time, they were fined by the Court, each of them, the sume of three shillinges and four pence to the vse of the collonie.

And wheras Elisha Hedge hath giuen testimony that the said Baker and Casley were drunke att the same time, incase any concurrant testimony shall appeer to cleare vp the truth therof, they shalbee lyable to suffer the penaltie of the law for the same.

Willam Honywell, haueing bine comited to jayle on suspision of buggerery with a beast, att this Court was examined concerning the same, and stily denyed it; and wheras noe sufficient euidence appeered to convict him of the said fact, hee was sett att libertie.

John Barrow, for refusing to giue euidence before a majestrate in reference to the grand enquest, was fined ten shillings.

Benjamine Eaton, for the same default agreuated by cercomstances, fiūd the sume of forty shillinges to the vse of the collonie.

[*118.]

*Wheras John Robinson, of Saconesett, hath bine convicted of some laeuious speches and actions manifested towards Francis, the wife of Thomas Crippen, the Court saw reason to require bonds of him for his good behauior, as followeth:—

| | |
|---|----------------|
| John Robinson acknowlidgeth to owe vnto our soū | } 20 : 00 : 00 |
| lord the Kinge the sume of | |
| Isacke Robinson the sume of | 10 : 00 : 00 |
| Robert Dennis the sume of | 10 : 00 : 00 |

Released.

The condition, that if the said John Robinson bee of good behauior towards our soū lord the Kinge and all his leich people, and especially towards Francis, the wife of Thomas Crippin, and appeer att the Court of his ma^{tie} to bee holden att Plymouth the first Tusday in June next, and not depart the said Court without lycence; that then, &c.

Wheras Thomas Crippin hath bine convicted before the Court of laeuious speches tending to the vpholding of and being as a pandor of his wife in lightnes and laeuiousnes, the Court saw reason to require bonds of him for his good behauior; and wheras the said Crippin could not procure surties, hee hath and doth by these p^sents bind ouer vnto the Court, in the behalfe of his ma^{tie}, the vallue of forty pounds out of his estate, as followeth, viz^d, two mares, one cow, two yearling heiffers, two twēumonthing steers, and soe much of his other estate as will make vp the said sume.

The condition, that if the said Thomas Crippen bee of good behavior towards our soū lord the Kinge and all his leich people, and appeer att the Court of his ma^{tie} to bee holden att Plymouth the first Tusday in June next, and not depart the said Court without lycence; that then, &c.

Wheras Jonathan Hatch hath bine convicted of vnnessesarie frequenting the house of Thomas Crippin, and therby hath giuen occasion of suspision of dishonest behavior towards Francis, the wife of the said Crippin, the Court hath admonished him and warned him for the future not to giue such occasion of suspision as aforesaid by his soe frequently resorting to the said house or by coming in the companie of the said woman, as hee will answare it att his p̄rill.

Wiltam Sabin, being p̄sented for pound breach, fined 02 : 10 : 00

Gorge Barlow, for being drunke the 2^{cond} time, fined . 10 : 00

John Crow, the son of Yelerton Crow, for breach of }
the peace in striking John Tayler, fined } 03 : 04

The Court aloweth vnto Gyles Rickard, Juni^r, from Abraham Jackson, ten shillings for charges in reference to a p̄sell of tarr of late in controuersye betwixt them.

Isacke Chettenden is alowed by the Court to draw and sell wine and liquors and to keep an ordinary in the towne of Scittuate.

The select men of the towne of Yarmouth approued by the Court are M^r Anthony Thacher, M^r Edmond Hawes, James Mathewes, John Miller, Joseph Howes.

Letters of adminnestration are graunted vnto Gorge Watson to adminnester on the estate of Mistris Margaret Hickes, deceased.

Lres of adminnestration are graunted vnto Mistris Mary Howes to adminnester on the estate of M^r Thomas Howes, deceased.

Att this Court, John Williams was discharged from being ensigne bearer of the milletary çompanie of Scittuate.

*These may certify to whom it doth conserne, that by mutuall consent and agreement between Richard Chadwell and Gorge Allin, the way is made that was in controuersy between them, that is, from the coōn neare the said Richard Chadwells now dwelling house to the said Gorg^e Allins now dwelling house, and soe to Musett, and by theire agreement to continew for euer, provided, that wheras Richard Chadwell hath bine willing for peace sake, and that loue might bee amongst them, they being soe neare dwellers, to make the way att the entery att the vper p̄te ouer a peece or p̄cell of dunge ground, being a choise place, where the said Richard Chadwell had yarded his cattle;

1665-6.

6 March.
PRENCE,
GOC^r.
Released.

[*119.]

1665-6.

6 March.
PRENCE,
Gov^r.

know this, that hee hath reserued to himselfe or his assignes, to take and carry away att his pleasure, by cart or otherwise, soe much of the ground in that said way as shalbee good for the manuring of his said land ; alsoe, the desire is, that this thaire acte and deed about the said way may bee enrowled in our Court booke att New Plymouth.

Witnes, EDMOND FREEMAN, Seni^r.

Sandwich, dated the 4th of July, 1665.

See June
Court, 1665.

The rates for the countrey charges of this yeare, as they were leuied on the seuerall townes of this jurisdiction, are as followeth, viz^d, as to the sume of one hundred and ten pounds, being a p^{te} of one hundred and fifty pounds ordered by the Court, June 7th, 1665, to bee leuied as aforsaid, the sume of forty pounds therof bee leuied and payed in money soone after the said order was concluded,—

| | |
|----------------------|--------------|
| Plymouth, | 10 : 03 : 06 |
| Duxborrow, | 09 : 05 : 02 |
| Scituate, | 16 : 12 : 09 |
| Sandwich, | 09 : 05 : 02 |
| Taunton, | 09 : 05 : 02 |
| Yarmouth, | 07 : 17 : 11 |
| Rehoboth, | 13 : 17 : 09 |
| Eastham, | 07 : 08 : 06 |
| Sowams, | 04 : 02 : 06 |
| Dartmouth, | 05 : 10 : 00 |

111 : 09 : 10

The Rate for the Officers Wages.

| | |
|-----------------------|--------------|
| Plymouth, | 03 : 14 : 00 |
| Duxborrow, | 03 : 07 : 04 |
| Scituate, | 06 : 01 : 00 |
| Sandwich, | 03 : 07 : 04 |
| Taunton, | 03 : 07 : 04 |
| Yarmouth, | 02 : 17 : 04 |
| Barnstable, | 03 : 14 : 00 |
| Marshfeild, | 02 : 17 : 04 |
| Rehoboth, | 05 : 01 : 00 |
| Eastham, | 02 : 14 : 00 |
| Dartmouth, | 02 : 00 : 00 |
| Sowams, | 01 : 10 : 00 |

1666.

1 May.
PRENCE,
GOU^r.

by their since putting it to arbitration and vpon other grounds; and, vpon the other side, considering the lands as they were wast in respect of buildinges and fences, and the meddowes somethinge damnified, the rent must needs bee much the lesse, and takinge notice, alsoe, that the one halfe of her claime is satisfied by her agreement with Josias Keine, wee doe award, that Thomas Little pay vnto Mistris Dauenport aboucsaid or her order, as full satisfaction for all claimes and demaunds of rent of the said lands, fifteen pounds in good and current pay, the one halfe att present att or before the first of June next, and the other halfe att or before the 20th day of May, in the yeare 1667.

Wheras, by an order of Court bearing date the first of August, 1665, Major Winslow, Anthony Snow, John Bourne, and William Paybody were appointed and impowered to issue a difference between Moses Simons and Samuell Chandelers in reference to the bounds of their lands where they now dwell; in order therunto, wee, the aboue named, mett vpon the place on the 28th of March, 1666, and haueing seen both their records, viewed the bounds on the out sides of both their lotts, and heard what could bee said on both sides, wee judge there is a mistake in ranging Edmond Chandelers land north and by east between Moses Simons and him, when as the other ranges on both sides are north and by west; wee settled the range between from an old root in the corner of Moses Simons his orchard, north and by west to a little walnutt about the orchard, and thence to a stake and heap of stones, and soe vp to a great blacke oake marked on four sides north and by east and south and by west throughout.

In witnes wherof wee haue heervnto sett our hands.

JOSIAS WINSLOW,
ANTHONY SNOW,
JOHN BOURNE,
WILLIAM PAYBODY.

In reference vnto the complaint of Abraham Jackson against Nathaniell Warren, for detaining and not owning a barrell of tarr deliuered in by the said Jackson for the townes vse, after many passages about it, the said Nathaniel Warren engaged, that in case Richard Willis did prosecute an attachment against Peter Steuens for a debt due to him from the said Steuens and proue his debt, that then the said Warren would answare the said barrell of tarr.

Richard Willis stands bound vnto the Court in the sume of seauen pounds sterling to prosecute an attachment of seauen barrell of tarr against Peter Steuens att the Court of his ma^{tie} to bee holden att Plymouth the first

Tuesday in October next, in reference vnto a debt due to him, the said Willis, from the said Steuens.

*Whereas the Court haue ordered that Joneses Riuer bridge should bee repaired, and that, according to the Courts order, some lands haue bine sold for the defraying of the countreyes charges, these are to declare and order, that such summes as are due and payable to the countrey for the said lands soe sould bee heerby made ouer and assured by these p'sents vnto M^r Constant Southworth, Treasurer, for the accomplishing of the worke in repairing or building of the said bridge, or soe much of them as shalbee requisite for that end.

Att this Court, John Williams appeered to make answare for his continued abusing of his wife, by vnaturall carriages towards her both in words and actions, by rendering her to bee a whore, and for psisting on in his refusing to pforme marriage duty towards her according to the law of God and man; and forasmuch as the said Williams desired to bee tryed in reference to the p'mises by a jury, the Court gaue him libertie soe to doe, either att this Court or att the Court to bee holden att Plymouth in June next; the said Williams desired it might bee att the last named, and heerby engageth to supply his wife in the mean time with money and other nessesaries which shee shall stand in need of, and hath expressed himselfe to bee willing that shee shall or may repaire to her frinds vntill then, and then and att that time to attend the issue of the case on the fift day of the said Court weeke.

In reference vnto the complaint of Marshall Nash against the constables of Marshfeild, for not paying pte of his sallary, the Court haue ordered him to buy soe much corne as comes to ten shillings, and it to bee required of John Bourne, forasmuch as the cause of the said neglect of payment was caused originally by him.

It being a mistake in the warrant respecting John Bourne, it is cleared since the abouesaid entery.

1666.

1 May.
PRENCE,
GOU^r.

[* 121.]

This is since
payed.

1666.

5 June.

PRENCE,
GOU^R.

[*122.]

**At the Generall Court of Election holden att Plymouth the fift
Day of June, 1666.*

| | |
|--|----------------------|
| BEFORE Thomas Prence, Gou ^r , | Thomas Southworth, |
| Wilłam Collyare, | Wilłam Bradford, and |
| John Aldin, | Thomas Hinckley, |
| Josias Winslow, | |
| Assistants, &c. | |

M^R THOMAS PRENCE was chosen Gou^r, and sworne.

| | |
|---------------------------------|--|
| M ^r John Alden, | } were chosen Assistants, and sworne. |
| Major Josias Winslow, | |
| Captaine Thomas Southworth, | |
| Captaine Wilłam Bradford, and | |
| M ^r Thomas Hinckley, | |

Likewise, M^r James Browne and Leiftenant John Freeman were chosen Assistants, but not sworne.

Major Josias Winslow and Captaine Thomas Southworth were chosen comissioners.

And M^r Thomas Prence was the next in nomination.

M^r Constant Southworth was chosen Treasurer, and sworne.

The names of the deputies chosen by the countrye out of the seuerall townshipes of this goument to serue att this Court and the seuerall adjournments therof are as followeth : —

| | |
|-------------------------------------|---------------------------------|
| M ^r John Howland, | ‡Nathaniell Bacon,‡ |
| Leiff Ephraim Morton, | ‡John Chipman,‡ |
| M ^r Constant Southworth, | ‡Joseph Laythorp,‡ |
| Christopher Wadsworth, | Ensigne Eames, |
| Cornett Robert Studson, | John Bourne, |
| Isacke Chettenden, | ‡M ^r James Broune,‡ |
| Richard Bourne, | ‡M ^r Stephen Paine,‡ |
| ‡James Skiffe,‡ | ‡Leiftenant John Freeman,‡ |
| James Walker, | ‡Josias Cooke,‡ |
| Wilłam Haruey, | ‡Daniel Cole,‡ |
| Edward Sturgis, | John Willis, |
| Elverton Crow, | John Cooke. |

The constables of the severall townes of this jurisdiction are as followeth :—

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5 June.
PRENCE,
GOU^r.

| | |
|-----------------------|--|
| Plymouth, | Edward Gray. |
| Duxburrow, | John Rogers. |
| ^ | Richard Dwellcy. |
| ^ | Wiltam Peakes. |
| Sandwich, | Henery Dillingham. |
| Taunton, | John Hall. |
| Yarmouth, | John Miller. |
| Barnstable, | Thomas Huckens. |
| Marshfeild, | { Wiltam Foard, Juni ^r , Jonathan Winslow. |
| Rehoboth, | { Samuell Carpenter, John Perram. |
| Eastham, | Robert Vixon. |
| Bridgwater, | Daniell Bacon. |
| Dartmouth, | Wiltam Palmer. |

*The grand enquest are as followeth :—

[*123.]

| | | | |
|--------------|-------------------------------------|-----------|----------------------|
| sworne, { | Anthony Snow, | sworne, { | James Lewis, |
| | Thomas Doged, | | Jonathan Sparrow, |
| | M ^r Allexander Standish, | | Thomas Leanard, |
| | Experience Michell, | | Henery Andrewes, |
| | Joseph Aldin, | | Henery Vincent, |
| | Samuell Sturtivant, | | Charles Stockbridge, |
| | Samuell Fuller, | | Wiltam Spooner, |
| | Gilbert Brookes, | | John Thacher, |
| | Samuell Pecke, | | Joseph Burgis, |
| | John Cushen, | | Job Bourne. |
| { Hugh Cole, | | | |

The surveyors of the highwayes are as followeth :—

| | |
|----------------------|---|
| Plymouth, | { Jakob Cooke, Robert Finney, Thomas Lettice. |
| Duxburrow, | { Joseph Wadsworth, Samull Chandeler. |
| Scituate, | { John Williams, Juni ^r , Wiltam Barstow, Thomas Pincen. |

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PRENCE,
Gov^r.

| | |
|------------------------|--|
| Sandwich, | { Stephen Winge, Thomas Butler. |
| Taunton, | { John Cobb, Samuell Williams. |
| Yarmouth, | { Samuell Rider, Senir, Thomas Gadge. |
| Marshfeild, | { John Dingley, Josias Keine. |
| Rehoboth, | { Gorge Kenericke, Richard Bowin. |
| Eastham, | ^ |
| Bridgewater, | ^ |
| Dartmouth, | ^ |

The Names of the Celect Men in each Towne approved by the Court.

| | |
|-------------------------|----------------------|
| Plymouth : | John Miller, |
| Mr John Howland, | Joseph Howes. |
| Gor̄g Watson, | Barnstable : |
| Leiftenant Morton, | Nathaniel Bacon, |
| Robert Finney. | John Chipman, |
| Duxburrow : | John Tompson, |
| Christopher Wadsworth, | Trusturm Hull. |
| Mr Josias Standish, | Marshfeild : |
| Benjamine Bartlett. | Leiftenant White, |
| Scittuate : | Ensigne Eames, |
| Mr Thomas Kinge, | Anthony Snow, |
| Cornett Robert Studson, | John Bourne, |
| Isacke Chettenden. | Wiltam Foard, Senir. |
| Sandwich : | Rehoboth : |
| ^ | ^ |
| Taunton : | Eastham : |
| Gor̄g Hall, | Leiftenant Freeman, |
| Richard Williams, | Josias Cooke, |
| Walter Dean, | Richard Higgens. |
| James Walker, | Bridgewater : |
| Wiltam Harvey. | Nicholas Byram, |
| Yarmouth : | Leiftenant Howard, |
| Mr Anthony Thacher, | John Willis. |
| Mr Edmond Hawes, | Dartmouth : |
| James Mathewes, | ^ |

*Att this Court, Elizabeth, the wife of John Williams, appeared with complaint against her husband, the said John Williams, for his great abusive and unnatural carryages towards her, both in word and deed, in defaming her in rendering her to be a whore, and by persisting in his refusing to perform marriage duty unto her according to what both the law of God and man requireth, which more at large appeareth by a writing vnder her hand.

And whereas the said John Williams obtained liberty of the Court to have the case tried by a jury, accordingly a jury was impaneled for the tryall of the said case, whose names are as followeth :—

| | |
|----------------|------------------|
| John Tompson, | Ephraim Tinkham, |
| John Dingley, | Gilbert Brookes, |
| John Smalley, | Robert Vixon, |
| Trustrum Hull, | John Done, |
| John Joyee, | John Washburne, |
| John Pecke, | John Howland. |

These all sworne.

These found the abovesaid complaint to be true or just.

And accordingly the Court proceeded to pass sentence against him as followeth :—

Whereas Elizabeth, the wife of John Williams, exhibited a complaint against her said husband unto the Court of Assistants held at Plymouth the first day of May last past before the date hereof, for many abusive carryages towards her both in word and deed, by defaming her in rendering her to be a whore, and persisting in his refusing to perform marriage duty unto her, as also that hee hath not onely withheld necessary comforts and conveniences suitable to her estate from her, but hath carryed bitterly towards her in many respects; and whereas hee should have bin a shelter and a protection unto her, hath endeavored to reproach, insnare, and betray her, &c, as by that her declaration aboue mencioned is more at large expressed; & that att the said John Williams his request the abovesaid complaint was att this Court put vpon tryall by a jury of his equals, and a verdict brought in against him, and that they found her complaint to be true or just, which did alsoe appeer to our satisfaction by evidence, himselfe alsoe declaring his insufficiency for converse with weomen, —

The Court, haueing seriously considered of the matter, doe judge, that it is not safe or convenient for her to liue with her husband, but doe giue her liberty att present to depart from him unto her frinds vntill the Court shall

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Gov^r.

[*124.]

The first day
of May.

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otherwise order or hee shall apply himselfe vnto her in such a way as shee may be better satisfied to returne to him againe, and doe order him to apparrall her suitably att the present, and furnish her with a bed and bedding and such like nessesaryes, and to allow her ten pounds yearly to maintaine her while shee shalbee thuse absent from him, and for pformance heerof doe require that hee put in securitie, or that one third pte of their estate be secured for her liuelihood and comfort.

Att the earnest request of his wife, this pte of the centance was remited and not executed.

2^{dly}. For that hee hath greatly defamed and otherwise abused his said wife as in the pmisses, wee adjudge him to stand in the street or markett place by the post with an inscription ouer him that may declare to the world his vnworthy carriages towards his wife.

3^{dly}. Inasmuch as these his wicked carryages haue bine contrary to the lawes of God and man, and alsoe very disturbing and expensiuie to this gouernment, wee doe amerce him to pay a fine of twenty pound to the vse of the collonie.

In reference to the Courts centance of John Williams his fine, and the securing of one third of his estate towards his wifes maintainance, the Court orders the cheife marshall to make distresse on the goods of the said Williams for his fine to the countrey according as in such case by law is provided; and as to the securing of one third of his estate for his wifes maintainance or liuelihood, the Court orders, that incase hee refuse to sett out one third to his wifes order which is desired, or to giue her securitie for the payment of the ten pounds annually according to order, then the cheife marshall to see an equall deuision of the said estate, viz^d, lands, goods, and chattles, into three ptes, which shalbee brought to his view or cognizance by Elizabeth, the wife of the said Williams, with the heelp of Captaine Cudworth, Isacke Chetten-den, or any other of her naighbours; and being soe deuided, to deliuer one of the three ptes vnto the said Elizabeth or her order, to bee desposed by her for the ends aforsaid; the said marshall being to take care, in pformance of this his order, that it bee done in such a way as may bee least prejudiciall to the said estate.

[*125.]

*An Order sent to the Milletary Company of Scittuate, as followeth.

Gentfmen: Wee haue taken notice of your voate and nomination of the psons for p^sent management of your milletary exercises and affected with your condition, and must signify vnto you that wee judge that your voate was very vnaduised, and with respect to Captaine Cudworth, directly against our aduise and such reasons as wee did expect might haue bine satisfactory; and wee vnderstand that your voate, although it did soe pas as it did, was att

that instant protested against by many sober and discreet persons amongst you, and their reasons layed downe; and also concerning Mr Peirse, wee haue not to object concerning him but that hee is a stranger to vs, and doe therefore att present order Serjeant John Damman to take that charge, whoe was next in nomination by your owne voate, and will manage it to the best of his abilities, and wee conceiue to a generall satisfaction as any that can bee proposed. Wee doe therefore expect that you doe peaceably and reddily attend the same vntill wee may otherwise prouide for you; and forasmuch as times doe threaten more then ordinary danger and trouble to the countrey, wee shall take the best care that in vs lyes for you, as for other townes of this gouernment, in that respect, & rest carefull of your peace and welfare, &c.

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Serjeant John Damman: These are to signify vnto you, that the Court haue and doe heerby order and appoint you to take the charge and command of the milletary companie of Scittuate vntill further order, requiring you to call them into armes and to drill and exercise them according to order to the best of your abilities, and incase of any reall seruice that Gods prouidence may any way put vs vpon; for which nessesary defence or otherwise you are to attend to such orders as by the Court or counsell of warr shalbee directed vnto you.

In psuance of an order of the Court for the jurisdiction of New Plymouth, giuen out for the laying out of two hundred acres of land graunted by the Generall Court of the said jurisdiction vnto the children of Leif James Torrey, deceased, viz^s, vnto his four youngest sonnes, wee, whose names are subscribed, haue, according to their speciall order, measured, buted, and bounded the said two hundred acres of land, joyning on the easterly side to the land formerly layed out to Clement Briggs; that is to say, two hundred rodds in length easterly, and eight score rodds in breadth, sett out by marked trees. This wee say wee haue finished and done, the 30th of May, 1666.

JOHN JACOB,

JOHN WHITMARSH.

Libertie is graunted by the Court vnto Francis Combe, as by right of his father, whoe was an ancient freeman, to looke out land for his accommodation, and to make report therof to the Court, that soe a competencye therof may bee allowed vnto him answarable vnto other ancient freemen.

The major and the Treasurer are appointed by the Court to lay out two hundred acres of land graunted vnto Cornett Studson. It is alsoe ordered

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by the Court, that when they come vpon the place, that they are to allow him such a proportion therof as they shall thinke meet considering the badnes of the land there.

Liberty is graunted vnto John Morton to looke out for an accomodation of land ; and incase hee can find any fit for his accomodation, to haue fifty acres.

Liberty is likewise graunted vnto Yeluerton Crow to looke out for land for his accomodation.

Nathaniel Warren and Wiltam Clarke are appointed by the Court to settle the bounds of the land of Robert Finney where hee now liueth.

[*126.]

*Two hundred acres of land is graunted vnto M^r Thomas Prence, to bee layed forth for him either att or about Rootey Brooke or att the head of the pond.

It is graunted by the Court, that Ensigne Barnard Lumbard, John Finney, and Isacke Robinson bee suplyed with fifty acres apeece or more of vpland att Pausatuke Neeke or therabouts, with six acres of meddow left to the descretion of M^r Hinckley and M^r Bacon to view, purchase, and lay out vnto them ; M^r Bourne alsoe being aded to them, to bee healpful therin.

See June
Court, anno
1662, in this
booke, and
there you shall
find a list of
theire names.

The Court haue graunted vnto the ancient servants, that they shall either bee accomodated att Saconett, according to a former graunt, or on the south-side of Weymouth, between the land of Clement Briggs and Waymouth bounds ; and incase they haue it att the latter place, that they shall haue fifty acres apeece ; and that Richard Beare bee accomodated with them ; and that the Treasurer and Cornett Studson shall lay it forth to them, prouided that it bee done betwixt this date and Nouember next.

The hundred and fifty acres of land formerly graunted to M^r Edmond Freeman, Jun^r, is fully confeirmed vnto him by the Court, viz^t : one hundred and fifty acres of land, with the meddow adjoyning to the bounds of Saconesett and vnto a place called Tassaecust, being purchased by Richard Bourne and Wiltam Bassett, appointed therunto by the Court ; that is to say, all the meddow within the said purchase made of Quachattasett and Sepitt, his son, bearing date the seauenth of August, 1665.

The major, the Treasurer, and Cornett Studson are appointed by the Court to take course and agree with some workmen for the building of Joneses Riuer bridge.

In reference vnto the land formerly graunted vnto Zachary Eedey, the Court haue ordered, that Serjeant Tinkham and Henery Wood shall lay out the said land ; and conserning the way that hee is to make in liew therof, that

they are alsoe to see that it bee made soe and in such place as may bee most convenient for the country and least prejudiciall to him.

Fifty acres of land is graunted by the Court vnto Joseph Whiston, the heire of John Whiston, deceased, lying att the southermost side of the land graunted to Walter Woodward vpon the path goeing from Bridgewater to Waymouth, bounding att the east end vpon a little brooke, and the west end to the comon land, and the southermost side likewise to the comon.

It was ordered and agreed by this Court, that a rate of two hundred and thirty pounds should bee leayed on the country for publike charges for this present yeare, besides the sume of seuen pounds to pay for sume law bookes appertaining to the country.

Wheras there is a great neglect in both Wilham Barstow and Robert Barker in not keeping of an ordinary fitt for the entertaining of strangers, the Court haue ordered, that Wilham Barstow shall make competent prouision for strangers for their entertainment and refreshment for this yeare, and that the other bee required to forbear; and that in case the said Barstow shall neglect soe to doe, that then the Court will take some other course about the same.

This Court hath called in the lycence that was giuen to Francis Sprague to keep an ordinary att Duxburrow.

The Court doth alow a fine of five pounds due from five Indians att Dartmouth, or soe much of it as can bee had, towards the building of a bridge there.

*In reference vnto the presentment of Wilham Sutton, for takeing away a Bible out of the meeting house att Barnstable, and keeping it, and saying hee bought it and would haue sould it, hee is centanced by the Court to pay vnto M^r Hinckley, or vnto the Treasurer or his order, the sume of twenty shillings, and for telling of a lye about it the sume of ten shillings.

[*127.]

A fine of five pounds due from Wilham Paybody was by this Court remited.

The Court haue graunted vnto Gyles Hopkins, the widdow Mayo, of Eastham, and Jonathan Sparrow a certaine p^sell of land neare Eastham, being a sinale necke of land called Sampsons Necke, and the wast land lying between the head of the fresh water pond and the westerly bounds of the widdowe Mayoes land, and soe downe to the coue.

Wheras a way hath formerly bine layed out by a jury which goeth through the land of Isacke Barker att Namassakesett, being greatly prejudiciall vnto him, the Court haue ordered, that this yeare the naighbours shalbee contented with such barrs as hee shall sett vp to keep his pasture through which the said way goeth; and that it bee proposed to them, that they either

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make the fence alonge the way through the said pasture, or to bee contented with gates which the said Isacke Barker is to sett vp, and in the mean time not to through downe his barrs to his damage.

The Verdict of the Corroners Enquest concerning the sudden Death of Mary, the Wife of Thomas Totman, of Scittuate.

Wee, whose names are vnder subscribed, being impanelled on a jury by the constable of Scittuate, the 10th day of Aprill, 1666, to enquire after the death of Mary, the wife of Thomas Totman, and haueing viewed the corpes and heard what euidence can speake, doe giue in this following as our verdict : —

That Mary, the wife of Thomas Totman, gathered, dressed, and did eate a root, which wee judge, shee mistakeing it, thinking it to bee the same which shee had formerly often eaten of; but the root being of a poisonous nature, eateing of it, wee judge, was the sole cause and ocaion of her death; and that wee all agree heervnto, witnes our hands this 24th of Aprill, 1666.

P me, JAMES CUDWORTH,
WILLIAM WITHERELL,
HUMPHERY TURNER,
JOHN TURNER,
JOHN BRYANT,
JOHN ROGERS,
ELISHA BESBEY,

By the marke of EZEKIELL MAYNE,
JOB Γ JUDKIN, his marke.
EDWARD E WRIGHT, his marke.
EDWARD E W WANTON, his marke.
HENERY H E EWELL, his marke.

Joseph Deuell, of Dartmouth, tooke the oath of fidelitie this Court.

The Court haue graunted vnto Serjeant Ephraim Tinkham twelue acres of vpland on the east side of Whetstones Vinyard Brooke, and on the south east of the old Indian path, bounded att the westward end with a rid oake tree next the path and brooke, and a rid oake standing on a hill neare the Stony Brooke; and att the east end its bounded with a rid oake next the path and a white oake tree on the southward side therof; on the north side the land butts home to the path.

Measured for him by William Crow.

*In reference vnto Wiltam Paybody his exchange of his land, the Court haue ordered M^r Constant Southworth and M^r Bourne, of Sandwich, to proportion out vnto him how much hee shall haue of that hee desireth, in lieu of that hee exchangeth for it.

The Court haue graunted vnto M^r John Done one hundred acres of vpland att Pottamumaquate Necke, and six acres of meddow therabouts; and Leiftenant Freeman and Josias Cooke are to view it and purchase it of the Indians for him.

The Court haue graunted vnto Leiff Ellis a portion of land not exceeding one hundred acres att Maconsett Necke, and a smale quantitie of meddow therabouts; and Richard Bourne is ordered by the Court to lay it out for him.

The Court haue graunted vnto Esra Perry a smale quantity of land of about thirty acres in the necke of land where M^r Edmond Freeman, Jun^r, hath his land that was last graunted vnto him by the Court.

The Court haue graunted vnto James Skiffe a smale quantitie of land, being about forty acres, lying on the easterly side of the herring brooke att Monnomett, lying next to M^r Josias Standishes land there, a highway lying through it; and the Court haue ordered Richard Bourne to purchase it and to laye it out for him.

The Court haue graunted, that Wiltam Shirtliffe shalbee accomodated with land amongst the servants neare vnto the Bay line.

The Court haue graunted vnto M^r John Howland one hundred acres of land in that land which Captaine Willett made purchase of att Tetiquott.

Likewise, the Court haue graunted vnto John Chipman and Jonathan Sparrow, to each of them, fifty acres of land att the same place where M^r Howland is to bee accomodated next aboue mentioned.

Likewise, the Court haue graunted vnto the said M^r Howland, John Chipman, and Jonathan Sparrow to bee accomodated with meddow land answerable to theire proportions of vpland in the purchase made by Captaine Willett as aforesaid, if itt bee there to bee had; if not, that they shalbee accomodated elsewhere with meet proportions, if it can bee found and purchased. The Court haue sence aded to Jonathan Sparrow and M^r Chipman fifty acres of land apeece.

If the land will
heare it: this
was aded July,
1673.

The Court haue graunted vnto John Hanmore the three acres of meddow desired by him lying neare the Indian Head Riuer.

Forty acres of land is graunted by the Court vnto Rebecka, the wife of Hezekiah Hoare, of Taunton, in some convenient place neare Taunton bounds.

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Experience Michell hath libertie to looke out land for his accomodation.
Likewise, M^r Thomas Dexter, Jun^r, hath libertie to looke out for land for his accomodation.

Likewise, John Rogers, of Duxburrow, hath libertie to looke out for land for his accomodation.

Likewise, Benajah Pratt hath the like libertie to looke out land for his accomodation.

Likewise, Willam Holmes hath libertie to looke out land for the accomodation of his children.

5 July.
[* 129.]

**Att the Court of his Ma^{tie} held att Plymouth the fift Day of July, 1666.*

| | | |
|--------|-----------------------------------|-----------------------|
| BEFORE | Thomas Prence, Gov ^r , | Thomas Southworth, |
| | John Aldin, | William Bradford, and |
| | Josias Winslow, | Thomas Hinckley, |
| | Assistants, &c. | |

AT this Court, a certaine Indian named Daniell, allies Tumpasscom, was presented before the Court and examined consarning his strieking of Samuell Hiekes, of Acushena, soe as the said Samuell Hiekes languisheth and is in danger of death; hee, the said Indian, confesseth that hee strucke or punched the said Hiekes with an axe or the helue of it, but saith that the said Hiekes first strucke him; the said Indian was returned to prison, there to remaine in close durance vntill the last Tuesday in October, 1666.

‡This Court giveth liberty vnto John Copp, of Scituate, to still strong waters there from the tearme of six monthes from the date heerof, prouided that what liquors hee stilleth bee sent or con

Wheras John Copp, of Scituate, hath sett vp a still for the stilling of liquors before the order of Court prohibiting the same without lycence was extant, and that the not improueing of it might proue prejudiciall vnto him, the Court haue giuen him liberty to still liquors att Scituate for the space of six monthes from the date heerof, prouided that hee retaile nor sell any in this jurisdiction lesse then the quantitie of ten gallons, on the penaltie in that case ordered; and if within the time prefixed noe complainte bee exhibited by the said towne to the Court against him, that att the period therof the Court will doe as to enlargment of his libertie or otherwise as they shall see cause.

These may certify vnto all whom it may concerne, that whereas Peter Steuens somtymes bought an horse of Nathaniel Warren, of Plymouth, that the said Peter Steuens hath surrendered vp the said horse vnto the said Nathaniel Warren againe; and that the said Nathaniell Warren haucing, neare vnto the time of the buying of the said horse, receiued of the said Steuens a psell of tarr for the said horse, these are alsoe to giue notice and to certify all whom it may conserne, that the said Nathaniell Warren hath relinquished the said tarr, soe as since it hath bin attached att the suite of other creditors, and is disposed of according to law soe farr as it will extend for their satisfaction.

In reference vnto Thomas Barnes, servant vnto M^r John Barnes, of Plymouth, vpon complaint vnto the Court of the nott agreement between the said m^r and servant, the case being refered by such as were interested therein, viz^s, the said M^r Barnes, and M^r Rocke, of Boston, in the behalfe of the said Thom^o Barnes, for a full and finall determination, vnto our honored Go^o, hee hath ordered, with the consent of the Court aforesaid, that the said Thomas Barnes shalbee surrendered vp vnto the said M^r Rocke, to bee att his dispose, and that hee is released from his master, John Barnes, prouided that the said M^r Rocke pay or cause to bee payed vnto the said John Barnes the sume of

1666.

5 July.
PRENCE,
GOV^r.

*In reference vnto the request of M^r Thomas Dexter, Seni^r, concerning the amesurement of his land att Barnstable, hee conseiueing that wanteth of his full due in that behalfe, the Court haue ordered, that the surveyors or measurers of land att Barnstable, viz^s, Ensigne Barnard Lumbard and Thomas Laythorp, bee authorised to measure or lay out the said land, with the heelp and assistance therein of M^r Hinekley, John Chipman, and Wiltam Crocker.

[*129^b.]

Att this Court, Edward Land, and John Cooper, and John Simons, for prophane and abusiue carriages each towards other, on the Lords day, att the meeting house att Duxburrow, were centanced to pay, each of them, a fine of ten shillings to the vse of the countrey; the said John Cooper, being most faulty, was adjudged worthy of corporall punishment; but forasmuch as in some sort hee tooke to the euill with some manifestation of sorrow, the aforesaid fine of ten shillings was excepted for satisfaction for this time.

1666.

31 October.

PRENCE,
Gou^r.

[*130.]

**At the Generall Court of his Ma^{tie} held at Plymouth, for the Jurisdiction of New Plymouth, the 31st of October, 1666.*

| | |
|---|----------------------|
| BEFORE Thomas Prence, Go ^u , | Thomas Southworth, |
| John Alden, | Wiltam Bradford, and |
| Josias Winslow, | Thomas Hinckley, |
| Assistants, &c. | |

IT was ordered by the Court, that wheras Wiltam Nicarson, of Mannamoiett, hath very scandulously reproached this his ma^{ties} Court of New Plymouth and the freemen of this jurisdiction to the Hono^{ble} Collonell Richard Nicolls, Go^u of his ma^{ties} collonie of New Yorke, as appeers in a writing to the said hono^{ble} collonell bearing date Aprill the second, 1666, vnder the hand of the said Nicarson, a copy of which writing being read in this p^sent Court vnto Wiltam Nicarson, not denyeng the same, answered, hee should bee redy in time and place to make out euey p^ticular in his said writing to Collonell Nicholls; his sonnes in law, Robert Eldred and Nathaniel Couell, hearing the said writing read, did acknowledg^e theire priuity and consent vnto it; and Trustrum Hedges, another son in law of the said Nicarsons, denyed not his priuie and consent vnto the same; the Court therefore iudge themselues bound to vindicate the great scandall of his ma^{ties} Court, as alsoe the freemen of this jurisdiction, and doe require the said Wiltam Nicarson, Robert Eldred, & Nathaniel Couell to giue sufficient securitie for theire appeerance att the next Generall Court of his ma^{tie}, to be holden for this jurisdiction att New Plymouth the first Tusday in June next insueing the date heerof, viz^z: the said Wiltam Nicarson five hundred pounds, and for each of his sons aboue mensioned an hundred pounds apeece.

An Acknowledgment appointed to bee recorded, as followeth.

These p^sents witnes, that wheras I, Wiltam Nicarson, Seni^r, of Mannamoiett, haue through my mistake vttered or expressed in a letter to Barnstabl^t, and another to the Court of Plymouth, sundry expressions of a scandulous nature, tending to the great defamation of Thomas Hinckley, of Barnstable, Assistant, as that hee denyed him justice notwithstanding his oath to God and the Kinge, and that hee was in combination with them that had a hand in royett and route, as is more att large expressed in the said letters; for which I ame hartily sorry, and doe heerby acquit the said Thomas Hinckly from the imputation of the said crimes, or what else may in either of the said

letters reflect vpon him to his defamation, desiringe the said Thomas to forgive mee the wrong donn him therby; and alsoe, I, the said Wilkam Nicarson, doe by these p̄sents graunt to the said Thomas Hinckley that it shall and may bee lawfull for the said Thomas to read these p̄sents, or cause them to be read, in open Court, or where else hee shall thinke meet, for his vindication from all and euey the said expressions tending to the defamation of the said Hinckley. In witnes wherof I haue heervnto sett my hand, this 18th of June, 1666.

By me, WILKAM NICARSON.

In p̄sence of
Wilkam Hedge,
Trusturm Hull,
John Miller.

1666.
31 October.
PRENCE,
Gov^r.

*A Coppy of a Cōmission, as followeth.

[*131.]

New Plymouth. To Samuell Nash, Cheif Marshall of the Jurisdiction of New Plymouth, with Barnard Lumbert and Josephth Howes, greet.

These are in his maties name to will and cōmaund you, vpon receipt hecrof, with all convenient speed, to repaire to Mannamoiett, and, according to an order of Court bearing date the seauenth day of June, 1665, to lay out to Wilkam Nicarson, M^r Thon̄ Hinckley, all such portions of land att Mannamoiett, both vpland and meddow, according to your best descretion for quantity and manor of laying it out as is expressed in the said order of Court, and in the name and behalfe of the said his maties Court of New Plymouth to giue each of the said p̄sons possession of the whole by twigge and turffe, or of some p̄te of it in stead of the whole; and if you find any eregular p̄sons felling or squaring of timber, or preparing to sett vp any cottages in any of tle said lands, that you warn them in his maties name to desist and be gon, as they will answare the contrary att their prill, and make returne of your proceedings att the next Court of Assistants; and see you faile not in the p̄mises att your prills.

THOMAS PRENCE, Gov^r.
WILKAM COLLYARE,
JOHN ALDEN,
JOSIAS WINSLOW.

Dated att Plymouth the 30th of June, 1665.

*Wheras complaint is made vnto the Court, in the behalfe of the towne of Scittuate, of the neglect of the gathering in of a rate agreed vpon by the

[*132.]

1666.

31 October.
PRESENCE,
GOU^r.

towne for the maintainance of their minnesters, for which a warrant was directed vnto Walter Briggs, late constable of Scittuate aforsaid, this Court hath ordered, that the said Briggs shall with all convenient speed gather in what is not gathered of the said rate, soe as it may bee payed to the minnester vnto whom it belongeth; and in case hee doe neglect soe to doe, that hee shall pay it himselfe.

And for his not obeying the warrant directed vnto him as aforsaid, it being such an ill p̄sident, hee is centanced by the Court to pay a fine of five pounds to the vse of the collonic.

Att this Court, John Phillips, of Marshfeild, tendered to make payment of the sum of ten pounds vnto Grace Halloway, the daughter of Wiltam Halloway, deceased, the said Grace Halloway being now of age to receiue the said sume as her portion, and shee haueing requested Major Winslow to aduise her in reference vnto the future way of her liuylhood; the Court, alsoe, approuing therof, haue alsoe ordered, that the said sume of ten pounds bee deliuered vnto him for to be improued by him for her vse.

Liberty is graunted vnto Ensigne Wiltam Merricke and Richard Bishop, that in case they be not accomodated with land amongst them with whom they are listed neare the Bay line, that they may looke out for accomodation elswher; or in case that Saconett can be purchased of the Indians, that then the said p̄ties may haue there portions of land there, if they please.

Att this Court, Gyles Ricard, Seni^r, his lycence for keeping an ordinary and selling wine and liquors by retaile was called in; onely wheras hee saith hee hath some liquor that would bee lost if not sold, hee hath liberty to sell it vntill it is spent, both vnto strangers and others alsoe of the towne of Plymouth, provided that what hee seletth to any of the towne of Plymouth, it be for the reliefe of the weake or sicke, and that alsoe with the consent and approbation of Captaine Southworth.

In reference vnto the complaint of Elizabeth, the wife of Gorg Vaughan, and alsoe the complaint of the wife of Samuell Eaton, against an Indian called Sampson, alias Bump, for most insolent and intollorable carriages towards them, whoe coming into the house of the said Vaughan, hee not being at home, and held vp his knife att the said Elizabeth Vaughan seuerall times in a threatening way and manor as if hee would haue wounded her, with other insolent carriages that much affrighted her, and alsoe carrying to the wife of Samuell Eaton att the same time very wickedly by twisting of her necke to the indangering of her life, and alsoe other insolent carriages to Francis Billington att the same time, whoe was sent for to rescue the said weomen from his violence and wickednes; for which said facts, agrauated by diuers other

particulars, hee was centanced by the Court to be seuerly whipt att this present Court, and to bee branded in the shoulder with a Roman P, which accordingly was inflicted.

1666.

31 October.
PRENCE,
GOU^r.

In reference vnto the complaint of Edward Gray against Joseph Billington, for hunting his ox with a dog, and for the wrong don to his swine and fence, the said Billington is awarded by the Court to pay vnto the said Gray the sume of twenty shillings ; and as for his syth, vsed by the said Billington without the said Gray his leau, hee is ordered to returne it to him againe.

In reference vnto John Bates and Wiltam Burden, theire breaking the Kinges peace by striking each other, they were sentanced by the Court to pay, each of them, three shillings and four pence ; and the said Burden, for being drunke att the same time, is fined five shillings ; and wheras the said Bates abused the said Burden att the same time, by lying vpon him and striking of him, wherby hee was disabled for a certaine time to attend on his calling, hee, the said Bates, is ordered by the Court to pay vnto the said Burden the sume of twenty shillings.

John Silvester, for his affronting of the constable of Marshfeild in the execution of his office, is fined ten shillings to the vse of the collonie.

In reference vnto a hogg in controuersy lying vnder an attachment, which is in the costody of an Indian called Sampson, the Court finds the said hogg to appertaine to Mr Thomas Prence ; and if the said Indian find himselfe agreiued, that then Joseph Billington is to giue him satisfaction.

*Jabez Howland acknowledgeth to owe vnto our soū } 20 : 00 : 00
lord the Kinge the sume of }

[*133.]

The condition, that if the said Jabez Howland shall and doe appeer att the Court of his ma^{tie} to be holden att Plymouth the first Tusday in March next, to make further answare for misdemenior towards Joseph Billington by striking and otherwise abusing of him, and in the mean time carry peacably towards all manor of psons, and not depart the said Court without lycence ; that then, &c. Released.

Joseph Billington acknowledgeth to owe vnto our soū } 20 : 00 : 00
lord the Kinge the sume of }

The condition, that if the said Joseph Billington shall and doe appeer att the Court of his ma^{tie} to be holden att Plymouth the first Tusday in March next, to make further answare for his misdemeaning himselfe on the 30th day of October att the house of Gyles Rickard, and not depart the said Court without lycence ; that then, &c. Released.

In reference vnto the complaint of Mr Joseph Tilden and Wiltam Barstow against John Palmer, Jun^r, for ployning and pilfering of a psell of

1666.

31 October.
PRENCE,
Gov^r.

boards from the saw mill, the Court haue ordered, that what boards of the said p̄sell soe ploynd can be made appeer by those that attend the said mill to belong to the said Joseph Tilden and Wiltam Barstow, that they are to haue them; and such as are mixed with and amongst the said boards soe stollen, which shall appeer to belong to the said Palmer, hee to haue them; and if any others shall lay any just claime to any of the said p̄sell soe ploynd, they to haue them; and that what charge the said p̄ties haue bin att in bringing the case to hearing, that they be fully satisfyed for the same by the said Palmer; and for his fact in soe pilfering and ployning the said boards, hee is centanced by the Court to pay a fine of twenty shillings to the vse of the collonie.

In reference vnto an Indian called Daniell, allies Pumpanaho, for his dangerously striking of Samuell Hickes, wherof hee hath languished and hath bine in danger of death, and although recouered, yett much hindered in his time and ocaations, wherfore the said Indian is centanced by the Court to pay vnto the said Samuell Hickes the sūme of four pounds and four shillings in reference vnto his bill of charges, and forty shillings for the losse of his time, and ten shillings vnto John Haward for his coming to Plymouth with him by the constables order.

Wheras M^r Timothy Hatherley, by his last will and testament, hath made, ordained, and appointed M^r Joseph Tilden to be his sole exequitour; and the said Joseph Tilden doth refuse to accept of the said exequitourship according to the said will; wherfore the Court haue appointed him to be administrator on the estate of the said M^r Hatherley, to pay all debts and legacies due and owing from the said estate soe farr and by equall proportions as it will amount vnto.

The Court haue ordered Myles Blacke, of Sandwich, in the behalfe of the countrey, to see the line run eight miles into the woods westerly vpon the south bounds of Plymouth.

[*134.]

*In answare to a petition prefered to the Court by Capitaine James Cudworth, bearing date the 30th of October, 1666, in which hee soliseteth the Court for the deuision of a certaine p̄sell of marsh meddow between the said Cap^t Cudworth and John Williams, Jun^r, which said p̄sell of marsh lyeth att Conihassett, being the 23 share or lott of marsh there on the west end of the Great Necke, and is bounded towards the north east to Cap^t Cudworths marsh att a stone stucke vp in the marsh close by a great rocke att the point of the necke, and from thence ranging towards the northwest and by north to the mouth of a creeke att a stone stucke in the marsh, and from thence takeing in all the marsh between the Great Necke and Gulfe Iland and about Gulfe

1666.

31 October.
PRENCE,
Gov^r.

Iland, and soe along southward and the Great Necke and the Great Creeke vntill it comes to the southerly side of Castle Rocke att a stone stucke in the marsh att the westerly point of a ledge of broken rockes, and from thence ranging towards the west north west to the creeke and stone stucke in the marsh; which said p̄sell of marsh soe bounded was softimes the marsh of John Whiston, deceased, and by him sold, the one halfe therof vnto the said Cap^t Cudworth, and the other halfe vnto Samuëll House, deceased, and by him sold vnto John Williams, Jun^r, afforsaid, the said Williams being averse to a deuision, notwithstanding the said captaine hath proposed it to him seuerall times, and hath suffered great damage by the neglect therof, which nessesitateth him, to make suite to the Court for a deuision as aforsaid.

This Court haue therefore ordered, that twelue men bee warned to giue meeting vnto Major Josias Winslow on the thirteenth of this instant Nouember, att the house of M^r Thomas King, att Scittuate, to be by him, the said major, impannelled to serue on a jury to make deuision of the said p̄sell of marsh according to this order.

Theire names are as followeth : —

| | |
|--------------------|------------------|
| John Hollett, | Wiltam Peakes, |
| Walter Briggs, | Mathew Ganett, |
| Jeremiah Hatch, | John Both, |
| Henery Luce, | Rodolphus Elmes, |
| Richard Standlake, | John Daman, |
| John Ensigne, | Joseph White. |

John Andrew, att this Court, for telsing of a lye, fined ten shillings. And the said John Andrew, for breakeing the Kinges peace by strikeing Joseph Bartlett, was fined three shillings and fourpence.


And the said Joseph Bartlett, for breakeing the Kinges peace in striking the said Andrew, fined three shillings and fourpence.

*A Writing appointed to be recorded by the Gov^r, as followeth.

[*134.]

John Whiston, aged eighteen yeares or therabouts, being the next eldest brother to Joseph Whiston, late deceased att Boston, whoe hath giuen him an estate, as wee are enformed, and hee, the said John Whiston, hath made choise of his vnkle, Edward Jenkins, of Scittuate, for to be his gaurdian, to occurre what estate soeuer is his vntill hee comes of age.

January 4th, 1666. The marke  of JOHN WHISTON.

Witnes, Wiltam Brookes,  his marke.
Timothy Foster.

1666-7. **Att the Court of his Ma^{tie} held att Plymouth the fift Day of
March, 1666.*

5 March.

PRENCE,
Gov^r.

[* 135.]

| | |
|--|-----------------------|
| BEFORE Thomas Prence, Gov ^r , | Thomas Southworth, |
| John Alden, | William Bradford, and |
| Josias Winslow, | Thomas Hinckley, |
| Assistants, &c. | |

WILLIAM NICARSON, for sundry scandulouse charges against M^r Thomas Hinckley, Assistant of this go^vment, highly tending to the defaming of his ma^{ties} authoritie in this his Court, to the stirring vp of faction and sedition, as appeers vnder his hand, is centanced to pay a fine of fifty pounds vnto the countreyes vse; but in case hee shall acknowledge in open Court this his miscarriage, that then thirty pounds of this fifty shalbe remited, or otherwise the whole to be exacted.

William Nicarson did acknowlidg in open Court, that in these scandulouse and reproachfull charges, which hee so^mtimes layed vpon M^r Thomas Hinckley, as hee was a minnister of justice and an Assistant in this go^vment, hee did scandulize his ma^{ties} authoritie and this his Court of which hee is a member, and is very sorry for his miscarriage therein, and hopes it shalbe a warning to him for the future.

This acknowlidgment in Court was accepted soe as to abate thirty pounds of the fifty pounds abouesaid.

William Lumpkin and Peter Worden, for causing disturbance att the meeting house att Yarmouth on the Lords day, were fined, each of them, ten shillings to the vse of the collonie.

Jabez Howland, for breakeing the Kinges peace by striking of Joseph Billington, is fined three shillings four pence to the vse of the collonie.

Joseph Billington, for the like default toward Jabez Howland att the house of Gyles Rickard, on the 30th day of October, 1666, is fined three shillings and four pence to the vse of the collonie.

Arther Howland, Jun^r, for inveigling of Mistris Elizabeth Prence and making motion of marriage to her, and procecuting the same contrary to her parrents likeing, and without their consent, and directly contrary to their mind and will, was centanced to pay a fine of five pounds and to find surties for his good behavior, and in speciall that hee desist from the vse of any means to obtaine or retaine her affections as aforsaid.

M^r Samu^l Saberry, being su^moned to this Court, appeared to make answere for that by writing vnder his hand and otherwise hee hath busied

himselſe to ſcanduliſe and defame the minneſtry of Duxburry ; but not taking notice therof to acknowledgment, and not giueing ſatisfaction in that behalfe, but rather the contrary, hee was exhorted and admoniſhed by the Court vnto his duty in that behalfe, and likewise warned to deſiſt from ſuch diſturbing practices, the which if the Court ſhall receiue further information therof, hee muſt expect to be againe queſtioned about it, and be reddey to giue better ceecurity for his better walking, and ſoe for the p̄ſent was releaſed.

1666-7.
5 March.
PRENCE,
Gou^r.

*Letters of adminneſtration was graunted by the Court vnto Joſeph Holley and Marke Redley to adminneſter on the eſtate of M^r Truſtrum Hull, of Barnſtable, deceaſed.

[*136.]

In reference vnto a box attached by John Rickard for a debt of fifteen ſhillings due from Elizabeth More, the Court haue awarded vnto the ſaid Rickard a petticoate of the ſaid Mores, which is to anſware the ſaid debt and the charges of the ſuite.

In reference vnto the deſire of Robert Barker, that a p̄ſell of meddow might be recorded vnto him lying att the North Riuer att Robiniſons Creeke, and that hee hath produced ſeueral euidences to ſatisfy the Court about it, the Court haue ordered, that if the towne of Duxburrow, or any of that towne, doe not produce any thing to the contrary betwixt this Court and the ſhuting vp of June Court next, that then hee, vpon ſuch euidence as hee ſhall then produce, may haue the ſaid meddow recorded vnto him.

Memorandum :
that a copy
heerof be ſea-
ſonably ſent to
the towne of
Duxburrow.

Joſeph Hollett and Elizabeth, his wife, for cōmiſſing carnall coppulation each with other before marriage or contract, fined ten pounds.

Letters of adminneſtration was graunted vnto Hoſea Joyce to adminneſter on the eſtate of M^r John Joyce, deceaſed.

Memorand : that Samuell Edson be ſum̄oned to the next Court to anſware for his neglect to appeer to ſerue on a jury, being ſum̄oned for that purpoſe.

Memorandum : that Dinah Silueſter, Sarah Smith, and the daughter of Edward Jenkens, bee ſum̄oned to the next Court.

Arther Howland, Juni^r, acknowledgeth to owe vnto }
our ſoū lord the King the ſum̄e of } 50 : 00 : 00
John Daman the ſum̄e of } 25 : 00 : 00
Timothy Williamson the ſum̄e of } 25 : 00 : 00

The condition, that wheras the ſaid Arther Howland hath diſorderly and vnrighteouſly indeaoured to obtaine the affections of Miſtris Elizabeth Prence againſt the mind and will of her parents, if, therefore, the ſaid Arther Howland ſhall for the future refraine and deſiſt from the vſe of any meanes to obtaine or retaine her affections as afoſaid, and appeer att the Court of his ma^{tie} to

Release 1 July
3, 1667.

1666-7. be holden att Plymouth the first Tusday in July next, and in the mean time
 be of good behavior towards our soñ lord the King and all his leich people,
 and not depart the said Court without lycence; that then, &c.

5 March.
 PRENCE,
 GOV^r.

[*138.]

*According to the Courts appointment, wee layed out vnto Cornett Robert Studson a certaine tract of land bounded as followeth, viz^d: on the north side by those lands that were graunted att Accord Pond; on the east by the line of the towne of Scittuate vntill it crosse a deepe, still brooke; and on the southwest and westerly side by the said brooke; and soe againe from the townes line as M^r Hatherleyes land runs westerly vntill it crosse the said brooke there againe, with all the spotts and holes of meddow that are within the abouesaid bounds.

Witnessse our hands,

JOSIAS WINSLOW,
 CONSTANT SOUTHWORTH.

1667.

2 April.
 [*139.]

*THE councill of warr, being assembled att Plymouth the 2nd day of Aprill, namly, M^r Thomas Prence, presedent, M^r John Alden, Major Josias Winslow, Captaine Thomas Southworth, Captaine Wilham Bradford, M^r Thomas Hincley, M^r Anthony Thacher, M^r Constant Southworth, and M^r Nath Bacon, did then order and conclude as followeth:—

Viz^d: that euery comission officer in the seuerall milletary companies of this jurisdiction shall haue a comission deliuered vnto them vnder the seale of the goũment, and signed with the presedent of the said councill.

The forme of the said comissions are as followeth:—

First, of a captaine:—

You, A B, haueing bine orderly chosen and accepted to the office of a captaine of the foot companie of the towne of P., you are heerby authorised and required to take the comãund and charge of that companie, to exercise and traîne them vp in the vse of their armes according to such orders as are or may bee sefled by the Court or councill of warr in that respect, and alsoe impowred to comãnd or lead any or all that are vnder your comãnd vpon reall duty and seruice for ofence and defence as occasion may require; and you are therein required carefully to attend such orders and instructions as you haue or shall from time to time receiue from the councill of warr; and in defect therof, shall acte according to such advice as you shall haue respecting any su'daine exegent from such in your towne as are appointed to be a coun-

cell with you in such cases ; and soe acting, you may expect full and reddey obceidience from all vnder you in their respectiue places, and be warranted and accepted in your good endeauors.

Giuen by the counsell of warr for the jurisdiction of New Plymouth this 2^{cond} of April, 1667.

T. P., Presdent.

For the Leiftenant.

You, A B, haueing bine orderly chosen and accepted to the office of leiftenant of the foot compainie of the towne of P., are heerby authorised and required to bee assistant to the captaine of that place in the exercising and training vp of the souldiers of that towne in the vse of their armes according to such orders as are or may be settled by the Court or counsell of warr, or by order from your captⁿ in that respect, and alsoe impowered to comāund and lead that companie, either in peace or warr, in the absence of your captaine, with as absolute comānd as your said captaine hath when p^sent ; and you are required carefully to attend such order and instructions as you haue or shall from time to time receiue from the counsell of warr, and in defect therof to acte according to such advise as you shall haue respecting any suddaine exegent from such in your towne, or the major p^{te} of them, as are appointed to be a counsell in such cases ;* and soe acting, you may expect full and reddey obceidience from all vnder you, and be warranted and accepted in your good endeavors.

Giuen, &c.

For the Ensigne.

You, haueing bine orderly chosen and accepted to the office of ensigne of the foot companie of the towne of P., you are heerby authorised and required to be assistant to the captaine and leiftenant of that place in exercising and training of the souldery of that towne in the vse of their armes according to such orders as are or may be settled by the Court or counsell of warr & said officer in that respect, and alsoe impowered to comānd, vnder your said officers, in such a capasitie as occasion may require for ofence and defence ; and in the absence of your said captⁿ and leiftenant, to comānd and lead that companie, either in peace or warr, with as absolute comāund as either of them haue when p^sent ; and you are required discretely and valliantly to defend and maintaine that badge of your honor and your countreyes, and carefully to attend such orders and instructions as you haue or shall from time to time receiue from the counsell of warr, and in defect therof to acte according to such advise as you shall haue, respecting any suddaine exigent, from such in your towne, or the major p^{te} of them, as are appointed to be a counsell in such cases,* and soe acting, you may expect full and reddey

1667.

2 April.
PRESENCE,
God^h.

*Except the vrgency of the occasion, to your best vnderstanding, calls for such speedy action as not safe to delay for their advice, in which case you are authorised to acte as you see the matter may require.

1667. obedience from all vnder you, and be warranted and accepted in your good endeauors.

2 April.
PRENCE,
Gov^r.

Giuen, &c.

[*140.]

*1. The councell of warr haue determined, that during any appearence of danger a mililitary watch be kept in each towne, in the most convenient place or places for takinge and pasing an alarum, according to the deseretion of the comānders and councell in each towne, and according to the danger that p̄sents; and alsoe some in each sea towne bee appointed to looke out to sea in the day time to discouer any shippes that may be on the coast, and to obserue their motion.

2. That the fiering of three musketts shall make an alarum in the night, and that fiers be alsoe made in the night att the place where the alarum did rise.

3. That the troop in each towne be ordered by their owne officers, or where such are not, by such as are of the grand councell in that towne, to be redy att all times to goe forth as scouts vpon discouery to carry intelligence from place to place as there may be occasion, and to doe such seruice further as need may require, vntill by speciall order of their cheife comānders they are called off.

4. That there be serch made how horse and foot are provided with armes and amūition, and defects to be returned.

5. That the souldiery of euery towne shalbe att the free dispose of their respectiue comānders in any seruice that they shall require att their hands according to their comīssion and instructions giuen them.

6. It is determined, that Dutch and French be looked vpon as our comōn enimie whiles soe to our nation, and shalbe resisted, opposed, and expelled by the forces of this jurisdiction to their vtmost power, and that all advantages shalbe vsed to that end.

7. It is ordered, that if any towne or plantation be distressed by an enimie, vpon intelligence the next towne shall forthwith send them such assistance as their need may require, be it to a third or halfe their men.

8. That the Indian sachems heerabouts be sent for, and advised to imploy their men in looking out to sea for shiping, and giue speedy intelligence to the English of any vessell and their motions, and that they be warned by their p̄sent losse not to adventure on board of any strange vessels, but to their power doe joyne with vs for defence of their and our comōn interest against a comōn enimie, and that they be forbidden the fiering of any guns in the night or making any false alarums.

9. That there be noe shooting att pignons or any other game by day or night whiles dangers p̄sents, but onely att an enimie.

*10. That every towne provide soñi place of retire for their weomen and children in case of an alarm, as the descretion of each place may giude them, that soe the men may with lesse distraction face an enimie.

11. That in time of danger the troopers of Plymouth repaire to the Goū as his gaurd, vntill further order.

12. That ail p̄sons in any township, although aboue sixty yeares of age, or otherwise vncapable of bearing armes, but are of competent estates, and shalbe soe judged by their com̄aunders and councill of that towne, they shalbe lyable to find a man to watch and ward as occasion be, and it be required of them.

13. That whosoeuer shall refuse or neglect to doe his duty in watching and warding when required shalbe lyable to pay a fine of fiue shillings for every such defect, vnlesse they can giue a satisfying answare to their com̄aunders and their councill in their owne towne, and this to be forthwith leuied by the constable; but incase they hold themselues agreiued, they may haue libertie, after the fine payed, to appeale to the councill of warr.

14. That it shalbe in the power of such as are appointed a councill, in every towne, in any exigent or suddaine occasion, to dispose of the generall stocke of armes and āmunition in that towne or any p̄te of it as occasion may require.

The Names of those that are appointed to bee of Councill with the Com̄ission Officers in each Towne.

Plymouth :

The Goū,
Cap̄t Bradford.

Duxburrow :

M̄ John Aldin,
M̄ Constant Southworth,
Leif̄t Josias Standish.

Scittuate :

Cornett Studson,
John Daman,
Isacke Chettenden,
Edward Jenkins,
Isacke Bucke.

Marshfeild :

M̄ Josias Winslow, Senīr.

Sandwich :

M̄ Richard Bourne,
William Bassett,
James Skiffe, Senīr.

Taunton :

James Walker,
William Harvey,
Richard Williams.

Rehoboth :

Cap̄t Willett,
M̄ Paine, Senīr,

1667.

2 April.
PRENCE,
GOŪ.

[*141.]

1667.

2 April.
PRENCE,
Gov^r.

| | |
|---------------------|---------------------|
| Mr Thomas Cooper, | For Eastham : |
| Gilbert Brookes. | Lciftenant Freeman, |
| For Yarmouth : | Josias Cooke, |
| Mr Anthony Thacher, | Richard Higgens. |
| Mr Edmond Howes, | For Bridwater : |
| Thomas Howes. | Samuell Edson, |
| For Barnstable : | Nicholas Byram, |
| Mr Thomas Hinckley, | John Willis. |
| Mr Nath Bacon, | |
| John Chipman. | |

For Dartmouth, Sarjeant James Shaw to exercise the inhabitants in armes till the next June Court, and that then the towne are to p̄sent some to the Court to be settled in office according to order ; and that the said Serjeant Shaw to advise with John Cooke, Samuell Hickes, and John Russell, incase of any danger p̄senting for the best defence of the place in such respect, and to see how men are prouided with armes and āmunition, and to returne the defects to the said Court.

[*142.] *Seuerall Orders appointed by the Councill of Warr to be obserued by the seuerall Courts of Gaurd in this Jurisdiction.

Gentlemen Souldiers : You are required carefully to attend your duty in watching, warding, and such other seruice as shalbe required of you by your com̄aunders and counsell, wherin p̄ticularly obserue these following orders : —

Imp^r. That noe outrage be com̄itted by any pson vpon duty by prophane swearing, cursing, drinkeing, quarrelling, or fighting one with another.

2^{ly}. Noe man shall hold correspondeney with the enemie, or confer with any trumpett, drum, or messenger of the enemie, but by appointment.

3. None shall neglect his watch or other seruice com̄itted to him, sleep on his sentenelship, or depart thence vntill releived.

4. None shall make the word knowne to the enemie, or change the word, but by order.

5. None shall make any needles alarum by day or night.

6. Att the soundage of an alarum, euery one shall repaire to their coullers or place appointed them.

7. None shall fly in battle vntill a retreat be com̄aunded, nor quite any place com̄itted to their trust whiles defencable.

8. Euery private souldier is required to keep his armes fixt and cleane, and not to paune, sell, or play away his armes.

9. None, vpon prill of their liues, shall attempt to abuse any sentenell that is out vpon duty, but shall reddily make themselues knowne and obey him.

10. That all centenells, vpon the like penaltie, shall carefully attend their charge giuen them for the discouering of an enimic and preuention of danger and mischeife to any of our owne people.

The councill of warr haue alowed fourteen dayes from this date for the townes to send in their accomts of armes and aūnition vnto the major; and that if within the said time any that haue bine att this meeting of the said councill returned defectiue shall be supplied before the said time be expired, they shall not be fineable for breach of order in that behalfe.

1667.

2 April.
PRENCE,
Gov^r.

**Att the Generall Court of Election holden att Plymouth, in New England, the fift Day of June, 1667.*

5 June.
[*143.]

BEFORE Thomas Prence, Gov^r, and Wiltam Bradford, and
John Aldin, Thomas Hinckley,
Thomas Southworth,
Assistants, &c.

M^R THOMAS PRENCE was chosen Gov^r, and sworne. And

| | |
|---------------------------------|---------------------------------------|
| M ^r John Alden, | } were chosen Assistants, and sworne. |
| Major Josias Winslow, | |
| Captaine Thomas Southworth, | |
| M ^r Wiltam Bradford, | |
| M ^r Thomas Hinckley, | |
| Leiftenant John Freeman, and | |
| M ^r Nathaniel Bacon, | |

The Coūmissioners chosen were Major Winslow, Captaine Southworth.

And the next in nomination was M^r Thomas Hinckley.

The Treasurer chosen was M^r Constant Southworth, and sworne.

1667.

5 June.
PRENCE,
Gou^r.

The deputies of the seuerall townes were, —

| | |
|------------------------------------|------------------------|
| Mr John Howland, | Edward Sturgis, |
| Leif Ephraim Morton, | Yelverton Crow, |
| Mr Constant Southworth, | Joseph Laythorp, |
| Christopher Wadsworth, | Ensigne Marke Eames, |
| Cornett Robert Studson, | John Bourne, |
| Isacke Chettenden, | Leiftenant Peter Hunt, |
| Richard Bourne, | Ensigne Henery Smith, |
| Thomas Tupper, Seni ^r , | Daniell Cole, |
| Wiltam Harvey, | John Willis, |
| James Walker, | John Cooke. |

The Grand Enquest.

| | | | |
|---------------------|-----------|-------------------------------------|-----------|
| Mr Joseph Tilden, | } sworne. | { Joseph Warren, | } sworne. |
| Mr Josias Standish, | | { Andrew Hallott, | |
| Phillip Delanoy, | | { Jacob Cooke, | |
| John Bryant, | | { Wiltam Foard, Seni ^r , | |
| Wiltam Crocker, | | { Daniel Smith, | |
| John Dingley, | | { Samucll Newman, | |
| Thomas Linkorne. | | { Marke Snow, | |
| Thomas Gibbs, | | { Samucll Tompkins, | |
| Micaell Blackwell, | | { Richard Sisson, | |
| Joseph Wilbore, | | { James Cobb, | |
| John Winge, | | | |

*The Constables of the seuerall Townes.

[*144.]

| | |
|-----------------------|-------------------------------------|
| Plymouth, | Francis Comb, sworne. |
| Duxburrow, | Samucll Hunt, sworne. |
| Scittuate, | { Micaell Peirse, } sworne. |
| | { William Brooks, } |
| Taunton, | Richard Burt, sworne. |
| Yarmouth, | Thomas Howes, sworne. |
| Barnstable, | Abraham Blush. |
| Sandwich, | Edmond Freeman, Juni ^r . |
| Marshfeild, | { Nathaniell Winslow, } sworne. |
| | { Josias Keine, } |
| Rehoboth, | { Nicholas Peecke, } sworne. |
| | { John Titus, } |

Eastham, John Banges, sworne.
 Bridgewater, John Willis, Junr.
 Dartmouth, Peleg Tripp, sworne.

1667.

2 June.
 PRENCE,
 Gov^r.

Surveyors of the Highways.

| | |
|-------------------|----------------|
| Plymouth : | Yarmouth : |
| Mr John Barnes, | Thomas Gage, |
| Ensigne Bradford, | Judah Thacher. |
| Hugh Cole. | Barnstable : |
| Duxburrow : | ^ |
| ^ | Marshfeild : |
| Scittuate : | ^ |
| William Barstow, | Rehoboth : |
| John Ensigne. | ^ |
| Sandwich : | Eastham : |
| ^ | ^ |
| Taunton : | Bridgewater : |
| ^ | ^ |
| | Dartmouth : |
| | ^ |

*The Celect Men in each Township.

[*145.]

Plymouth :

| | | | | |
|--|---|---|---|---------|
| Leiftenant Morton deputed to adminester an oath respect- ing their place as occation may require. | { | Leiftenant Morton, Nath Warren, William Harlow, William Clarke, William Crow, | } | sworne. |
|--|---|---|---|---------|

Duxburrow :

| | | | | |
|--|---|---|---|---------|
| Christopher Wadsworth de- puted to giue oath as aboue- said. | { | Christopher Wadsworth, Mr Josias Standish, Benjamin Bartlett, | } | sworne. |
|--|---|---|---|---------|

Scittuate :

| | | | | |
|---|---|--|---|---------|
| Isacke Chettenden to admin- nester an oath as aforasaid. | { | Cornett Studson, Mr Thomas Kinge, Isacke Chettenden, | } | sworne. |
|---|---|--|---|---------|

Sandwich :

| | | | | |
|---|---|---|---|---------|
| Thomas Tupper to giue the said oath. | { | Thomas Tupper, Seni ^r , James Skiffe, Seni ^r , Thomas Burgis, | } | sworne. |
|---|---|---|---|---------|

1667.

5 June.
PRENCE,
Gov^r.

Taunton :

| | | | | |
|--|---|--|---|---------|
| James Walker to ad- minnester the said oath. | { | Gorge Hall, Walter Deane, James Walker, Richard Williams, Willam Harvey, | } | sworne. |
|--|---|--|---|---------|

Yarmouth :

| | | |
|---|---|---------|
| Mr Edmond Howes, Edward Sturgis, James Mathewes, Yelverton Crow, Samuell Sturgis, | } | sworne. |
|---|---|---------|

Barnstable :

| | | |
|---|---|---------|
| Willam Crocker, John Chipman, John Tompson, Joseph Laythorp, | } | sworne. |
|---|---|---------|

[*146.]

*Marshfeild :

| | | | | |
|---|---|---|---|---------|
| And John Bourne appointed to ad- minnester an oath. | { | Anthony Snow, Ensigne Eames, John Bourne, | } | sworne. |
|---|---|---|---|---------|

Rehoboth :

Mr Stephen Pa'ne,
John Allin,
Mr James Browne.

Eastham :

^ ^

Bridgewater :

| | | |
|--|---|---------|
| John Willis, Nicholas Byram, John Carey, | } | sworne. |
|--|---|---------|

Dartmouth :

| | | | |
|--|---|--|---|
| Arther Hathewey to giue the aforsaid oath. | { | John Russell, Samuell Hickes, Arther Hathewey. | } |
|--|---|--|---|

Receiuers of the Excise in each Towne.

| | |
|----------------------|-----------------|
| Plymouth, | Benajah Pratt. |
| Duxburrow, | Henery Sampson. |

| | |
|-----------------------|---|
| Scittuate, | { Edward Jenkens, John Cushen. |
| Sandwich, | { Tupper, Juni ^r , Thomas Tobey. |
| Taunton, | Richard Burt. |
| Yarmouth, | { M ^r Anthony Thacher, John Miller. |
| Barnstable, | { Thomas Huckens, Joseph Laythorp. |
| Marshfield, | William Maycomber, Seni ^r . |
| Rehoboth, | Daniel Smith. |
| Eastham, | Will ^t Walker. |
| Bridgwater, | Arther Haris. |
| Dartmouth, | Samuell Hickes. |

1667.

5 June.
PRENCE,
Gou^r.

*In reference vnto the complaint made against Phillip, the sachem of Pacanacutt, by an Indian, that hee was in compliyanee with the French against the English in New England, the Court, hauing heard his answare, and therein certified that the ground of such reports arose from a certaine sachem of the Narragansetts, doe order Leiftenant Hunt and Ensigne Smith to repaire to Warwicke in some convenient time for the Court to be holden att Plymouth in July next, and that the said Phillip doe there giue them meeting before one of the majestrates there, that soe the said sachem may make out what hee hath spoken in that behalfe, and that Ninnegrett haue notice therof, that soe hee may vnderstand what is charged against him.

[*147.]

Att this Court, proclamation was made that if any can lay any just claime vnto any due debt from the estate of William Hacke, John Turner, and Thomas Ewer, they may come in within a twelumonth and a day of this date, and they shalbe satisfied soe farr as the estate will amount vnto.

This Court alowed vnto the major, in reference to his journey to the sachem Phillip, in the behalfe of the countrey, the sume of fiue pounds.

To Captaine Southworth, for his paines and time, forty shillings.

To the Treasurer, respecting his longe time and paines, three pounds.

To Cornett Robert Studson, his horse, time, and paines, forty shillings.

Two shillings and sixpence a day is alowed vnto the troopers, to each of them that went on the abouesaid expedition, viz^s, to each of them, for him and his horse,

Ten shillings is alowed vnto Nicholas Hyde for bringing of a letter to the Gou^r, and his other time and paines about it in reference to the abouesaid busines.

1667.

5 June.
PRENCE,
Gov^r.

This Court haue graunted vnto Andrew Ringe a smale þsell of land lying att the end of his land att Namassakett, viz^d, all the land lying att the end of his lott between the path and a smale brooke and the valley the full breadth of his lott.

The Court haue graunted vnto Thomas Butler a necke of land called Tassacausett, lying neare to Edmond Freemans land, being deuided by a creeke or brooke on the southerly side, which said land is bought by the said Butler of an Indian called Charles, allies Pampmunnitt, for a yoake of oxen, prouided the said Indian returne the sume of three pounds to the said Butler.

In reference vnto the graunt of land graunted vnto Gyles Hopkins, Jonathan Sparrow, and the widdow Mayo, the Court haue ordered Leiftenant Freeman eithor to purchase it or hier it for them as occation shall require, as hee shall see meet.

Liberty is graunted vnto Thomas Paine to looke out some land for his accomodation.

[*148.] *The Accomt of the Liquors brought into Yarmouth the Year last past, giuen in by M^r Thacher.

The 15 of the first month, Elisha Hedge, one barrell of rum.

M^r Hedge, 9 gallons of sacke.

September 14, (66,) by John Barnes, for Elisha Hedge, fifty gallons of rum.

For M^r Sprague, 10 gallons of rum.

For Samuell Sturgis, 30 gallons of rum.

For Edward Sturgis, Juni^r, 25 gallons.

For John Mokeney, six gallons.

Jonathan Barnes brought sundry barrells of liquors to the towne, since which hee did not inuoyce with vs, but did after some distance of time inuoyce it with the Treasurer.

The first weeke in Aprill, (67,) Edward Sturgis, Seni^r, 22 gallons of sacke, which was inuoyced, thō not in due time according to order.

Att that time, there were fue or six barrells of rum bought of the marchant att Satuckett, which was not inuoyced, but concealed one barrell; Jonathan Barnes had another barrell; Joseph Ryder three more, hee seized for the countrey, which haue bine since condemned, viz^d: Samuell Sturgis, one barrell of rum; Edward Sturgis, Juni^r, one barrell of rum; and Abraham Hedge, one barrell of rum, which lyes responsible for his father to cleare betwixt this and the Court in July next.

Boardman, halfe a barrell, or soūwhat more, which hee inuoced.

The first weeke in June, 67, Jonathan Barnes invoiced one barrell of rum for John Mokaney. Abraham Hedge had about three barrells last summer, which it is vncertaine whether invoiced or noe.

1667.

5 June.
PRENCE,
Gou^r.

The collect men of the towne of Yarmouth, this Court, returned the names of Teage Jones, for not coming to meeting, and Nicholas Nicarson, for refusing to appeer att the summons of the said collect men, and for neglecting to come to the publicke worship of God.

This Court haue ordered and appointed Cap^t James Cudworth and M^r Joseph Tilden, in the behalfe of Elizabeth Williams, the wife of John Williams, to demaund and receiue what is due to her from her said husband for her annuall allowance according to order of Court, and that incase there shalbe occasion therof, that one of them bee an apriser of that which shalbe payed vnto her in that behalfe, and incase either of them shalbe by Prouidence hindered from pforming what is required of them in that case, that then John Hallett is to supply his rome by the Courts appointment.

In reference to the complaint of Wilłam Randall against John Bryant,

*John Cooke was appointed by the Court to solemnize marriage in the towne of Dartmouth, and to giue oath to witnesse for the grand enquest and for the tryall of causes.

[*149.]

Sarjeant James Shaw and Arther Hathewey are appointed by the Court to exercise the men in armes in the towne of Dartmouth.

In reference vnto the estate of Thomas Ewer, the Court haue appointed Thomas Laythorp and Shuball Linnitt to take his estate and adminnester thereon, and to be gaurdians alsoe to the children.

Thomas Huckens is authorised by the Court to adminnester on the estate of John Turner, deceased, and, with the advice of M^r Hinckley and M^r Bacon, to pay some smale debts due from the same.

A Writing appointed to be recorded.

To our honored Gof, M^r Prence, and the rest of the honored Court, our humble petition, which wee, whose names are vnderwritten, doe present vnto your fauorable consideration, that forasmuch as it hath pleased God by his ordering hand of Prouidence to dispose of things soe that our father in law, Wilłam Nicarson, hath purchased a portion of land att Manamoiett or therabouts to accomodate his children and posteritie withall for our comfortable subsisting, and that through the blessing of God vpon our labors wee might liue and not be chargable, hee hath gicen it vnto his children to accomodate vs

1667.

5 June.
PRENCE,
GOU^r.

and our posteritic withall; and wee doe not desire to liue alone, but are willing to receiue soe many inhabitants as there is land to accomodate them with, soe that wee may goe on in a way of peace and loue, for the glory of God and the good and welfare of the goũment, and the inlargment therof and the good one of another; for the greatest pte of vs haue bine brought vp vnder this goũment, and our desires are to continew vnder this goũment; still, if the Lord shalbe pleased to graunt vs to find fauor with the Court to graunt our request, and our request to the honored Court is, that they would be pleased to graunt vs libertie to settle a township att Manamoiett or therabouts with as many inhabitants as wee shall see the land will comfortably accomodate, soe that they be townsmen that wee can close with, wee shall willingly receiue them, vpon the condition that they shall pay their ptes of the purchase according as wee shall agree, and not otherwaies; and if the Court shalbe pleased to graunt our petition, wee shall count it a great fauor from God and fauor from *and fauor from* the Court; thuse hoping to find fauorable answare from the honored Court, wee rest,

WILLAM NICARSON, Seni^r,
NICHOLAS NICARSON,
ROBERT NICARSON,
SAMUELL NICARSON,
JOHN NICARSON,
WILLAM NICARSON, Juni^r,
JOSEPH NICARSON,
ROBERT ELDRED,
TRUSTRUM HEDGES,
NATHANIEL COUELL.

The 4th of July, 1663.

[*150.] *Att this Court, Benjamine Bartlett complained against his servant, named John Cooper, for refusing to serue him vlesse his indenture could be produced, which was supposed by him to bee ploynd and made away; the Court, vnderstanding by sufficient euidence that hee is yett to serue him three yeares, ordered him either to accept of such conditions as were agreed on betwixt his said master and him since this controversy arose, or to be forthwith publickly whipt and forced to returne to his said master; after this they renewed the conditions, and soe the mater for p̄sent is ended.

Att this Court, Robert Pinion was taken vp as a vagarant and publickly whipt, and ordered with a passe forthwith to depart the goũment.

Att this Court, a jury was named and ordered to bee impaneled to lay out all waies requissett in the township of Bridgwater.

Theire names are as followeth : —

| | |
|------------------------------------|----------------------|
| Nicholas Byram, | Arther Harris, |
| Samuel Edson, | John Carrey, |
| Thomas Haward, Seni ^r , | Ensigne John Haward, |
| ^ Packer, | Marke Laythorp, |
| M ^r Nathaniel Willis, | Robert Latham, |
| Leiftenant Thomas Haward, | Joseph Aldin. |

1667.

5 June.

PRENCE,
Gov^r.

Captaine Brad-
ford ordered by
the Court to im-
panell this
jury.

And if by Providence any of these be hindered, that then Samuell Allin and John Aimes doe supply.

Eres of adminnestration were graunted vnto Wiltam Bassett, Juni^r, to adminnester on the estate of Wiltam Bassett, Seni^r, deceased.

Eres of adminnestration were graunted vnto Henery Dillingham and John Dillingham to adminnester on the estate of M^r Edward Dillingham, deceased.

Eres of adminnestration were likewise graunted vnto Mary Hacke to adminnester on the estate of Wiltam Hacke.

Letters of adminnestration were likewise graunted vnto M^r Joseph Tildin to adminnester vpon the estate of M^r Timothy Hatherley, deceased; and the said M^r Tilden is heerby ordered and impowered to receiue and dispose of the said estate in reference vnto payment of debts and legacies due from the estate soe farr as there is estate to discharge, and in all points to acte and doe what euer may be requisite for preserueing and disposing of that estate as an adminnestrator according to the will of the deceased.

These were
graunted Octo-
ber 30, 1666.
See more, Wills
and Invento-
ryes recorded.

*Richard Bourne and Wiltam Paybody are appointed by the Court to view a certaine peece of land purchased of the Indians by Thomas Dexter, Juni^r; and in case they shall judge, that for quantity and quallitie it will nott accomodate more then one, that it be then settled vpon the said Thomas Dexter. [*151.]

Joseph Burge, of Sandwich, for disorderly healing away of horses out of the collonie, is fined twenty shilling to the vse of the collonie.

Samuell Jackson, for breaking the Kings peace, is fined three shillings and four pence.

Att this Court, Wiltam Nicarson, Robert Eldred, and Nathaniell Couell appeered, according to their bond, but gaue noe satisfaction to the Court for their offence, and att last themselues and some frinds desired further time to consider, as alsoe a copy of his writing to Collonell Nicolls to puse and take notice of the pticulars, promising to apply themselues speedily to giue satis-

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faction, wherypon the Court, willing yett to extend lenitie, desireing reformation rather than seuerity and sharpnes, gaue them vntill the next Court of his ma^{tie}, to be holden att Plymouth the first Tusday in July next, to giue theire answare, alsoe takinge theire owne engagement for theire appearence theratt.

Forasmuch as the inhabitants of Plymouth haue graunted vnto Nathaniel Warren and Joseph Warren, to each of them, fourteen acres of meddow att or about Agawaam, out of that which was formerly purchased, they being in great nessesitic therof, and the said towne not in a capacitic otherwise to supply them, the Court, not willing to alow of any p̄ticular proprietie there, yett for the reasons forenamed doe approue therof, and doe prohibite any further graunt in that kind vntill they shall otherwise order.

Att this Court, Mary Hacke, of Taunton, sollisited the Court to haue libertie to bestow herselfe in marriage, and produced diners testimonies to make it manifest to the Court that Wiltam Hacke, her husband, is dead, hee haueing left her about three yeares since, and went for England, and that shee neuer receiued any letter from him since, nor any other intilligence from or concerning him, saue the said testimonies, which serued to euidence that hee is deceased. The Court not being satisfied in the testimonies soe fully as to graunt her libertie of marriage att the p̄sent, they refered the case for further clearing vntill the next October Court.

This Court was adjoined vntill the third day of July next in reference vnto the Court of Majestrates and Deputies.

[*152.] *Instructions for the Com̄issioners for the Jurisdiction of New Plymouth.

1. That incase the confederation hold, that it be better obserued then it formerly hath bin.

2. That whatsoeuer the com̄issioners doe agree vpon, either relating to desoluing and breakeing vp of the confederation between the collonies or theire reuniting, shalbe proposed to the senerall Generall Courts of the respectiue goilments, and assented vnto by them before it shalbe binding vnto them.

3. That you indeauor to vindicate the collonie from the false aspersions that are cast vpon vs concerning the breach of the former confederation.

4. That if there be a reuniting, some speedy course may be taken to settle the propositions both of men and charges more equally then it is att p̄sent, by reason that since the first settlement therof some of the collonies are more increased then others.

5. That inquiry be made about the wampam in Conecticutts hands.

6. That if there be a reuniting, (which wee rather desire, may it be

vpon equall tearmes,) wee desire it may be taken notice off and expressed that wee reserue our alligience to the crowne of England.

Memorand: that you signify vnto the Massachusetts comissioners, that wee take it ill that wee can not for our moneyes be supplied with ammunition, although they haue good quantities in their hands.

And signed by order of the Court for the jurisdiction of N. Plymouth,

P me, NATH: MORTON, Secre^t.

N. Plymouth, June the fift, 1667.

Att this Court, warrant were issued out from the Court to leuy by rate the sume of two hundred eighty six pound eighteen shillings and eight pence, for the publicke charges of the country.

**Att the Court held att Plymouth the 2nd of July, 1667.*

2 July.
[*153.]

| | |
|--|-------------------|
| BEFORE Thomas Prence, Gov ^r , | William Bradford, |
| John Aldin, | Thomas Hinckley, |
| Josias Winslow, | Nath Bacon, and |
| Thomas Southworth, | John Freeman, |
| Assistants, &c. | |

WHERAS William Nicarson, Robert Eldred, and Nath Couell, of Manamoiett, were bound to appeer att the Court holden heer for his maties the first Tusday in June last, to make answare to a writing exhibited to the Honno^{ble} Collonell Richard Nicolls, bearing date Aprill the second, 1666, wherein are contained many pticulars greatly scandulous to his maties Court of this jurisdiction of New Plymouth, in which Court the grand enquest were detained in order to the issuing of the case vntill the said Nicarson seemed to fall in the case, and seemed willing to apply himself to take notice of his abuses therein offered, and to giue satisfaction for the same; which that hee might the better doe, the Court graunted him a copy of his aforesaid declaration in writing, vpon his engagement to giue timely knowlidge vnto M^r Hinckley or some of the majestates there what hee would doe therein, and soe this Court might be in a reddines to proceed to an issue of the case; but hee failing to make timely returne about the p^mises, and not applying himself to giue any reasonable satisfaction to answare vnto this complaint, and foras-

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much alsoe as wee haue in this interem of time received another letter of his to Collonell Nicolls, dated February, 66, wherby it appeereth hee still goes on to abuse them as formerly, vpon the considerations aboue mensioned, this Court haue seen cause to bind ouer the abouesaid Nicarson, Eldred, and Couell vnto the next Court, to bee holden heer on the last Tusday in October next, to answare for the abouesaid scandulouse papers.

Mr Hinckly and Mr Bacon were ordered by the Court to make dilligent enquiry concerning the liquors brought into the towne of Sandwich.

Daniell Smith is alowed by the Court to keep an ordinary in the towne of Rehoboth for the entertainment of strangers, incase Goodwife Abell lay it downe; and hee is likewise authorised to looke after the excise in that towne, and to draw and sell liquors there.

It is ordered by the Court, that the first pte of the rates to be directed to the Treasurer be brought in by the first of October next.

[By a mistake of Secretary Morton, no pages were numbered *154-157.]

[*158.]

*Att this Court, Nicholas Nicarson was detected before the Court by two witnesses for speakeing of some approbrious speeches against Mr Thomas Thornton, in saying that the said Mr Thornton said, that if a man haue not of his owne to pay towards the minnesters maintainance, hee must borrow it of his naighbour; the said Nicarson alsoe affeirmed, that a certaine sermon the said Mr Thornton taught was halfe of it lyes; hee, the said Nicarson, acknowledging before the Court that hee hath done him wronge in soe saying, and engaging that hee would publickly acknowledge his fault therin, likewise att a convenient time att the meeting house att Yarmouth, and promising reformation in that behalfe, was released, and this fault passed by.

In reference vnto the complaint of John Barnes against Thomas Dotey, for detaining of fourscore and ten pounds of marchantable tobacco, and a debt of seauen shillinges due for goods, as the said Barnes saith, the Court doe award the said Thomas Dotey to pay or cause to be payed vnto the said John Barnes or his order one hundred pounds of marchantable tobacco within one month after the date heerof; and in reference vnto the seuen shillinges nominated, that incase John Holmes should come in and testify vpon his oath that hee hath payed fine shillinges vnto the said Barnes in the behalfe of the said Dotey, that then the said Barnes should rest satisfied; which accordingly the said Holmes did before the Court broke vp, and soe the case was finally determined.

Arther Howland, Jun^r, did sollemly and seriously engage before this

Court, that hee will wholly desist and neuer apply himselfe for the future, as formerly hee hath done, to Mistris Elizabeth Prence in reference vnto marriage.

The Court haue allowed the summe of ten pounds towards the building of a bridge ouer Taunton Riuer.

The Court haue allowed the summe of twenty two pounds, with that which is already expended, towards the building of a bridge ouer the Eelriuer, in the place wher it now is; and in case it be not accepted, that it be signified to the next October Court, that soe the Court may order a way and bridge elsewhere.

The Court doth pmitt the towne of Sandwich, in regard of their scarcitie of men fit for publicke employment, to send but one deputie to the Generall Courts.

*The Court haue granted vnto Esra Perrey twenty acres of land, to be aded to his thirty acres formerly granted, being in the purchase of M^r Edmond Freeman, Jun^r, and not suitable for any one besides, being ther is noe meddow belonging to it.

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One hundred acres of land is granted vnto Henery Wood vpon Namasakett Riuer or elsewhere, if it may be found, haueing a great posteritie to succeed him.

Thirty or forty acres of land is granted vnto M^r Wilłam Collyare, with some meddow to it, for his grand child, if it may be had, viz^t, that grand child whoe is now seruicable vnto him.

The Court haue granted vnto Wilłam Paybody the remainder of that land hee payed for, being a psell of poor, silly, barren land.

The Court doe admitt of Richard Church to come with the ancient ser-vants for a share of land att Saconett.

The Court haue granted vnto Hugh Cole respecting his fathers graunt, being an ancient freeman, and his owne graunt, sixscore acres of land betwixt Mattapoisett Riuer and the easter bound of Acushenah.

The Court haue granted vnto Sarah, the wife of Thomas Haward, Jun^r, sixty acres of land lying betwixt the line of the collonics and the bounds of Bridgewater.

The Court haue granted vnto John Mecoy twenty six acres of land and ten acres of meddow, which was giuen him by the sachem of Sautuckett, lying vpon the south sea.

The Court haue granted vnto Thomas Tupper, Sen^r, in reference vnto a former graunt giuen him, that if hee can find the land, that hee shall haue sixscore acres.

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Liberty is graunted vnto Joseph and Barnabas Laythorp to looke out for land for their supply.

The Court haue graunted vnto Ensigne Marke Eames and Isacke Chetenden that they may haue their portions of land formerly graunted them in some other place, forasmuch as the place formerly graunted them was not sufficient to accomodate them.

Libertie is graunted vnto Daniell Cole to looke out a p̄sell of land to accomodate him and his children, and to purchase it by order from the Court.

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*The Court haue graunted vnto Wilłam Barstow, that hee shall haue a p̄sell of land ordered and layed out vnto him l̄ying to the westwards of Cornett Studsons graunt, in reference to satisfaction for his paines, &c̄, in the countrey busines, to be soe ordered and layed forth by the major and the Treasurer; and if that they shall judḡ it more then his said paines deserues, that hee shall pay for the rest.

The Court haue graunted vnto some ancient freemen liuing in Taunton, viz^d, Richard Williams, Walter Dean, Gorge Hall, Allis Dean, the wife of John Deane, deceased, M^r John Poole, Peter Pitts, James Walker, and Henery Andrewes, that they shall haue some supplies of land vpon the west syde of Taunton Riuer, if not already graunted to any other; or some other place, if it may be obtained.

The Court haue ordered, that Captaine Bradford and the Treasurer shall view the land desired by Bridgwater in reference to their enlargment, according to their petition preferred to the Court July the fift, 1667, and to make report therof to the Court, that soe the Court may determine therein as they shall see cause.

The Court haue graunted vnto Robert Finney one hundred acres of land where M^r Alden and Captaine Southworth hath land att Namassakett Riuer, if it may be had there; if not, then to haue such a portion with Hugh Cole, neare Acushenett.

Libertie is graunted vnto Henery Sampson to looke out land to accomodate his children.

Likewise, libertie is graunted vnto Wilłam Clarke, Joseph Burge, of Sandwich, Thomas Huckens, John Tompson, Edward Dotey, and his brother John Dotey, and James Cole, Jun^r, to looke out for some supplies of land, if it may be had for their accomodation.

Wheras M^r Thomas Hinckley and M^r Nathaniel Bacon hath had a former graunte of meddow, which att the p̄sent can not be purchased, and that forasmuch as that there is land and meddow in that tract purchased by Wilłam Bassett betwixt Wakoiett and Saconeesett bounds, the Court haue graunted a

portion of vpland and meddow within the aforsaid purchase, if the land may be had, the which quantitie is to be forty acres to a pson with meddow, according to their former graunt.

*In reference vnto two neckes of land purchased by Mr Thomas Dexter, Juni^r, —

The Court haue graunted vnto the said Thomas Dexter one hundred acres of the vpland therof, and haue ordered, that the remainder therof shalbe settled, and doe graunt that it shall appertaine to the minncsters house at Sandwich.

The Court haue graunted vnto Richard Bourne, of Sandwich, a smale skirt of sedge, with some smale tract of vpland to it, to be viewed by Wiltam Paybody ; and incase it be not found prejudiciall to Mr Standishes land, that it be settled and confeirmed to him.

The Court haue graunted vnto John Rogers, Seni^r, of Duxburrow, one hundred acres of land lying vpon Coteticutt Riuer, being alreddy purchased, if it may be had ; if not, that hee hath libertie to looke out elsewhere.

The Court haue graunted libertie vnto Wiltam Browne, of Sandwich, that Richard Bourne may purchase a smale psell of land for him of Nonquitnumacke, if it may be had ; if not, that then hee may haue libertie to looke out elsewhere for the quantitie of about forty acres of vpland and six acres of meddow.

The Court haue ordered, that the land graunted before mensioned shalbe purchased betwixt this date and the next Election Court, or otherwise to be suspended and rest vnurchased for the tearme of seauen yeares after.

Libertie is graunted vnto Joseph Burge, of Sandwich, Wiltam Clarke, Thomas Huckens, John Tompson, Edward Dotey, and his brother John Dotey, and James Cole, Juni^r, to looke out for some supplies of land, if it be to be had.

Joseph Bartlett is allowed the sume of seauen pounds towards the repairing of his damage in the losse of his horse in the countreyes service.

The generall training is appointed to be this yeare att Taunton on Wedensday in the second weeke of October next.

The Court haue graunted vnto Mr Thomas Dexter, Juni^r, one hundred acres of vpland, where hee shall make choise of it vpon either of those neckes of land by him purchased ; and incase the necke that hee shall pitch vpon doe nott containe soe much, hee shall take the remainder att the end of the other necke that is next adjoyning and all the meddowes by him purchased.

And they haue alsoe graunted the rescdew of those lands by him there

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This is otherwise ordered :
see att the foot
of this page.

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purchased vnto the towne of Sandwich, for the vse of the minnistry of that place, they paying their proportion toward the purchase of the said land.

*Samuell Fuller, the son of Samuell Fuller, Seni^r, of Barnstable, for selling liquors to the Indians, is fined twenty shillings.

This to be payed

to M^r Hinckley.

Richard Dwelley, being convicted of drunkenes the second time, is fined ten shillings.

In reference vnto Sarah, the daughter of John Smith, of Barnstable, her comitting of fornication, although the sume of ten pounds fine might be required for her said default, yett on some considerations the Court haue remited the one halfe therof, and doe require the sume of five pounds.

Elizabeth Soule, for comitting fornication the second time, was centanced to suffer corporall punishment by being whipt att the post, which accordingly was executed and pformed.

Dinah Siluester, for comitting fornication, fined ten pounds.

Joseph Hallott & his wife, for comitting carnall copulation before marriage and before contract, fined 10^l : 00 : 00.

[*163.]

*M^r Myles and M^r Browne, for their breach of order in seting vp of a publicke meeting without the knowlidge and approbation of the Court, to the disturbance of the peace of the place, are fined, each of them, the sume of five pounds, and M^r Tanner the sume of twenty shillings.

And wee judge, that their continuance att Rehoboth, being very prejudiciall to the peace of that church and that towne, may not be allowed, and doe therefore order all psons concerned therein wholly to desist from the said meeting in that place or township within this month; yett in case they shall remove their meeting vnto some other place, where they may not prejudice any other church, and shall giue vs any reasonable satisfaction respecting their principles, wee know not but they may be pmitted by this goũment soe to doe.

Memorandum. Whereas there hath bine a controuersy of many yeares standing in this Court concerning a psell of land about Mannamoiett, pretended to be purchased by Wiltam Nicarson, Seni^r, of Mattaquason, and John Quason, Indians, which said Nicarson was soĩtimes of Yarmouth, —

This is to be minded as a reall truth, that in all this time the said Wiltam Nicarson was neuer able to produce any deed or legall euidence of any such purchase, although hee hath bine seuerall times vrged thervnto in open Court, that soe the truth and certainty of his claime might appeer, whether for yeares, or tearme of life, or for inheritance.

All that hath appeered in Court is, that there hath bine diuers goods giuen by the said Nicarson, and reconed by the Indians by way of bargaine for some land, but neuer agreed how much or vpon what tearmes; Nicarson

boldly affirming, and the Indians as peremptorily denying, and soe it remaines att this present; therefore it doth easely appeer how much the countrey was abased by him that hath noe legall right to any lands there.

And it is further ordered by this Court, that since soe much trouble and contest hath arisen heerabouts, and complaints from the Indians alsoe, that from henceforth the Indians be required not to make any further bargaine or contract with the said Nicarson about the said lands, except in the hearing or presence of such as the Court shall appoint for such an end.

John Cooke, of Dartmouth, is authorised by the Court to make contracts of marriage in the towne of Dartmouth, and likewise to adminnester an oath to giue euidence to the grand enquest, and likewise to adminnester an oath to any witnesses for the tryall of a case as ocaation may require; and in case any pson or psons resideing in this jurisdiction shall haue ocaation to comēce a suite against any stranger or forraigner, it shalbe lawfull for the said John Cooke to issue out warrants in his ma^{ties} name to bind ouer any pson or psons to answare the said suite att his ma^{ties} Court to be holden att Plymouth att any time by attachment or summons as ocaation may require, and that hee shall giue forth suppenaes to warne wittnes.

*Vpon a motion of marriage betwixt John Phillips, of Marshfeild, and Faith Dotey, of Plymouth, in the jurisdiction of Plymouth, in New England, in America, these p̄ticulars were joyntly concluded of by the abouesaid p̄ties, as followeth:—

[*164.]

Imprimis. That the children of both the said p̄ties shall remaine att the free and proper and onely dispose of their owne naturall parents, as they shall see good to dispose of them.



Secondly. That the said Faith Dotey is to enjoy all her house and land, goods and cattles, that shee is now possessed of, to her owne proper vse, to dispose of them att her owne free will from time to time, and att any time, as shee shall see cause.

Thirdly. That in case by death God should remoue the said John Phillips before her, that shee come to be left a widdow, that then shee shall haue and enjoy one third p̄te, or one p̄te of three, of all his estate that hee dieth possessed of for her liuelyhood during her life,—that is to say, one third of all his estate, either house, lands, or any other his reall estate,—and att the end of her life, then it shall returne to the heires of the said John Phillips, excepting her wearing apparrell and her bed and bedding, and such furniture as belonges thervnto, which shee shall and may giue att her death to whom shee pleaseth, all the rest of the thirds to returne to the heires of the said

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1667. John Phillips. In witnes wherof the said John Phillips and Faith Dotey
 have mutually and joyntly sett heervnto their hands, this twenty third of
 February, anno 1666.

The marke of  JOHN PHILLIPES.
 The marke  of FAITH DOTEY.

In the presence of
 Thomas Southworth,
 Desire Dotey.

[*165.]

*May the 20th, 1667.

Then received of John Allin, John Peeke, and John Woodcocke the full
 and whole sume of twenty pounds, which was of the goods of Richard Orms-
 bey, deceased, which the Court graunted vnto John Godfrey, which is to be
 in full satisfaction vnto the said Godfrey for all former debts, dues, and de-
 maunds from the said estate by the said Godfrey or any vnder him from the
 beginning of the world to this day; I, the said Godfrey, doe heerby discharge
 and acquitt Richard Ormsbey, his heires, exequitors, adminnestrators, or either
 of them; alsoe, I, John Godfrey, doe discharge and acquitt John Allin, John
 Peeke, and John Woodcocke, which was appointed by the Court to adminnes-
 ter vpon the estate of Richard Ormsbey; and I doe heerby engage, that I,
 neither any vnder mee, shall neuer trouble nor molest the said Allin, Peeke,
 or Woodcocke, or any of them; whervnto I haue sett my hand and seale,
 the 20th day of May, 1667.

The marke  of JOHN GODFREY, and a

 Seale.

Signed, sealed, and deliuered in the presence of vs,
 John Cobleigh,
 Thomas Wood,
 Gedion Allin.

[*166.]

*July the 2^{cond}, 1667.

The first session of this Court, June the 4th, 1667, Phillip, the sachem
 of Pocanckett, being ordered thervnto by Major Winslow and Captaine South-
 worth, made his psonall appeerance.

The cause was this: the Gofu being informed by post letters from Reho-
 both that the said Phillip, though in confederation with vs, had expresed
 himselfe in the presence of seuerall of his men, importing his reddines to com-
 ply with French or Duch against the English, and soe not onely to recouer
 their lands sold to the English, but inrich themselues with their goods;
 vpon which intelligence Major Winslow, Captaine Southworth, the Treasurer

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Southworth, and others, with a pty of horse, were speedily dispatched to Rehoboth to enquire of the truth of that report; who, coming thither, found the Indian, the first reporter of it, to be one of Phillip the said sachems men, whoe freely and boldly did avouch it to his face, and soe to p̄ticularise time, place, and severall psons, which, with diuers other cercomstances from other Indians and English, made the matter appeer very probably true, att least, as to some agitation; but the said sachem, Phillip, stify denyed it, and said that Ninnegrett, a Narragansett sachem, had hyered this Indian to accuse him to vs, and doubted not but in time soe to make it to appeer, yett withall confessed the English had just cause to doe as they did vpon such a report, and for his fidelitie to the English was willing to surrender vp his armes to custody of the English, which was accepted, and hee ordered to appeer att June Court, if happily hee might cleare himselfe of this charge.

Att this Court, therefore, appeering as formerly, professing his loue and faithfulness to the English, and that it was a meer plott of Ninnegrett, the Narragansett sachem aforesaid, his professed enimie, that had hiered this Indian to raise such a report of him, to breake that longe continewed loue and amitie between the English of N. Plymouth and him, by whom hee and his brother and father had bine vpheld, and to that end p̄sented a letter from another Indian sachem of Narragansett speaking much to the same purpose; but the Court, suspecting that it might bee but some faigned, as indeed it did appeer afterwards, resolued to send Leiftenant Hunt and Ensigne Smith, of Rehoboth, vnto Warwicke, with some of Phillips men, and to haue the said Narragansett sachem examined before a majestrate of that jurisdiction, to heare what the said sachem could testify in the case, whoe vtterly disclaimed that hee had or could say any such thinge concerning Ninnegrett, as was signified to the Court vnder the hand of M^r Smith, a majestrate att Warwicke, and the same affirmed by Leiftenant Hunt and Ensigne Smith, soe that Phillip was left to find other proffe; as alsoe a letter att the same time from M^r Roger Williams asserted to the like purpose, onely that hee rendered the Indian that accused Phillip to haue bine a very vile fellow formerly. The said sachem, Phillip, still protested his inosency and faithfulness to the English, by whom himselfe and progenitors had bine preserued from being rewined by the Narragansetts, those potent enimies, pleading how erationall a thing it was that hee should desert his long experienced frinds, the English, and comply with the French or Duch, whoe had the last yeare kiled and carryed eighteen psons, both men and weomen, of his from Martins Viniyard, affirming still that it was a plott of Ninnegreets, thõ hee was not att p̄sent able to make it out, expressing his *great confidence that hee had in that ancient league

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with the English, which hee hoped they would still continew, professing that their withdrawing of their wonted fauor was little lesse then a death to him, glading his enimies, greiueing and weakening his frinds, and soe left himselfe and case to the Court; who taking it into serious consideration, not willing to desert him and lett him sincke, though there was great probabilitie that his tongue had bine ruining out, yett not haueing such due proffe as was meet, judged it better to keep a watchfull eye ouer him, and still to continew tearmes of loue and amitie with him, vnlesse soemthing further did manifestly appeer, and hee to beare pte of the charge, and soe haueing twenty dayes giuen him to appeer att Plymouth to make a finall issue; att which day appointed hee and his principall men appeered, where, after much debate with the Goff, Major Winslow, Captaine Southworth, and the Treasurer, came to this issue:—

1. That if noe further matter did appeer against him, wee should looke att him and carry towards him as formerly.

2. And that hee should beare forty pound of the charge of the expedition, and the country the rest.

3. And that incase any such occasion should be for the future, except apparently dangerous, wee would send to him by letter or messenger; vpon notice by either, hee engaged speedily to come.

4. That incase hee can yett make it out that this late report is indeed a meer plott betwen Ninnegrett and the Indian, wee will giue him the best aduise wee can that hee may haue sofi due reparation.

5. Haueing giuen bills for the payment of the forty pounds aforesaid, his armes both att Plymouth and Rehoboth were all ordered to be deliuered againe vnto him and to his men; which was thankfully accepted, and soe the case att p̄sent issued.

**At the Court held at Plymouth, for the Jurisdiction of N. Plymouth, the thirtieth of October, 1667.*

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GOVERNOR.]

[* 168.]

BEFORE Thomas Prence, Gour,
John Alden,
Josias Winslow,
Thomas Southworth,

William Bradford,
Thomas Hinckley,
John Freeman, and
Nathaneell Bacon,

Assistants, &c.

WHERAS the Court haue formerly determined, that John Williams, Junr, of Scittuate, shall allow vnto Elizabeth, his wife, the sume of ten pounds p yeare for her maintainance vntill, by their mutuall agreement or the Courts appointment, they shall come to liue together againe, this Court doth further order, that the said Williams shall yearly renew bonds for the current discharge and payment therof.

Att this Court, three Indians, namely, Simon, Monchase, and Assoot, for goeing on board the boate of Simon Steuens at Cape Cod and takeing away a caske of liquor, and haueing a hand in the imbezeling and spending therof, were centanced by the Court to be whipt att the post att Plymouth, which accordingly was pformed; likewise, other six Indians, viz, Lawrance, Quequequancett, James, Moses, and Wamant, and Monchasacke, for their being ptenors with the other in the imbezeling away of the said liquor, were centanced and stand bound vnto the Court to pay the sume of ten pounds, to be deliuered to Leiftenant Freeman att his house att Eastham in Indian corne, or porke, or feathers, for the collonies vse, betwixt the date heerof and the first day of May next ensuing.

Att the request of the towne of Yarmouth, the Court haue appointed Andrew Hallett, Thomas Howes, and John Thacher to be aded vnto the comittees of Yarmouth for the desposing of lands in that township, and to acte in all such like cases as formerly the said comittee hath done.

The Court doe approue of and appoint John Miller to keep an ordinary att Yarmouth.

The Court doe appoint Captaine Southworth to purchase the land of the Indians which is desired by Henery Wood, according to a former graunt.

Wheras the Court is informed that there is a mare, and a coult, and a gun, and a little linnine cloth, and a sow, and three piggs in the costody of John Allin, John Woodcocke, and John Pecke, adminnistrators of the estate of Richard Ormsbey, deceased, the Court haue ordered the said p̄ticulars to be deliuered to the two youngest sons of the said Ormsbey.

1667.

30 October.
PRENCE,
Gov^r.

James Doughtey, for his eregular carriage in indeauoring to release Thomas Sumers, a prisoner orderly comitted, is fined the sume of forty shillings to the collonies vse.

Abraham Sutliffe, for expressing of vngodly and atheisticall speeches in his drunkenes, is fined the sume of four pounds, and for his being drunke is fined fise shillings, to the collonies vse.

Wilkam Nicarson appeered att this Court to answare for his exhibiting of a writing to the Hono^{ble} Collonell Richard Nicolls, bearing date Aprill the 2^{cond}, 1666, and alsoe another writing bearing date the 23 of February, 1666, the former wherof consented vnto by Robert Eldred and Nathaniel Couell, sons in law to the said William Nicarson, in which said writings are contained many p̄ticulars greatly scandulous to his ma^{ties} Court of this jurisdiction of New Plymouth and the body of the freemen therof, in which respect they might justly haue bin amereed in a great sume to haue payed by way of fine; notwithstanding, the Court, obseruing that they did in soñ sort take to and acknowledg their fault therin, and alsoe in reference vnto the request of the said Collonell Nicolls in their behalfe, haue fined the said Nicarson the sume of ten pounds, and the said Eldred and Couell, each of them, fise pounds.

The sume of fifty shillings is ordered by the Court to be payed vnto Samuell Jackson by Hugh Cole, for the takeing vp of his boate, which went on drift.

Lres of adminnestration was graunted by the Court vnto John Thacher to adminnester on the estate of M^r Anthony Thacher, deceased.

Likewise, letters of adminnestration were graunted vnto Sarah, the wife of Nathaniel Warren, deceased, to adminnester on his estate.

[*169.]

*Att this Court, John Artler, of Road Iland, appeered to make complaint of seuerall Indians for abusing of him by dispossesing him of his house and otherwise att Pocasseeset, neare Road Iland ferry; vnto which the Court answered, that incase hee would nominate the said Indians, and be reddey to make out against them the said charges, they would warne them in to make answare thervnto.

Thomas Delanoy, for haueing carnall coppulation with his now wife before marriage, fined the sume of ten pounds.

In reference vnto a controuersy between the English and the Indians about ruñing the line of the bounds of Dartmouth, the Court haue ordered, that incase Robert Hazard, of Rhode Iland, may be procured, that hee run the line, with the inspection of such as shalbe approued both by the English of the said towne and the Indians; but incase hee can not be procured, that John Cobb, of Taunton, shall run the said line; and that this shalbe a finall

end of this controuersy, and that the charge of the busines shalbe bourne by the said towne.

*Wheras libertie hath bine formerly graunted by the Court for the jurisdiction of N. Plymouth vnto Captaine Thomas Willett and his naighbours att Wannamoisett, to become a township there if they should see good; and that lately the said Cap^t Willett and M^r Myles, and others theire naighbours, haue requested of the Court that they may become a township there or neare thervnto, and likewise to haue graunted vnto them such psells of land as might be accomodate thervnto not desposed of to other townships, this Court haue graunted vnto them all such lands that lyeth between the saltwater bay and coming vp Taunton Riuer, viz^z: all the land between the said salt water and riuer and the bounds of Taunton and Rehoboth, not prejudicing any mans p^ticular interest; and forasmuch as Rehoboth hath meddow lands within the line of Wannamoisett, and Wannamoisett hath lands within the line of Rehoboth lying neare the south line of Rehoboth, if the two townships cannot agree about them amongst themselues, the Court reserues it within their power to determine any such controuersy.

The Court haue ordered and authorised M^r Thomas Kinge, of Scittuate, to adminnester an oath to such witnesses as shalbe disabled through weaknes to appeer att the Court to giue evidence or testimony to any case, and likewise to graunt subpenaes for the warning of witnesses to giue testimony to any case or tryall, and likewise to swear witnesses to giue evidence to the grand jury-men within the towne of Scittuate as occasion may require.

Septem̄ 20, 1667.

Wee, whose names are vnderwritten, being warned to bee vpon a corroners enquest vpon the death of a child of Daniell Dones, whoe was drowned in a well, wee doe all of vs judge that the child was accedentially drowned.

JOSEPH ROGERS,
EDWARD BANGES,
DANIEL COLE,
WILLAM MERRICKE,
RICHARD KNOWLES,
ROBERT VIXON,
THOMAS WILLIAMS,
BENAJAH DUNHAN,
BENJAMINE HIGGENS,
JONATHAN SPARROW,
JOHN MAYO,
JOHN ROGERS.

1667.

30 October.
PRENCE,
GOU^r.

[*170.]

1667.

30 October.

PRENCE,
Gov^r.

[*171.]

The verdict abouesaid was attested by the psons next aboue written before mee.

JOHN FREEMAN, Assistant.

*Yarmouth.

In the yeare 67, vpon the 14th day of October, wee, whose names are heervnder written, being warned by authoritie to view the corpes lately deceased, viz^d, the child of Nicholas Nicarson, haue found in the windpipe of the child a peece of a pumpian shell; the which wee, being all and euery one of vs agreed, doe judge that it was the cause of its death.

WILEAM LUMPKIN,
JOHN HALL,
WILLAM ALDREDGE,
THOMAS GAGE,
JOHN BURGE,
JOHN CROW,
PAULE SAERS,
JOHN HALL,
ZACARIAH PADUCKE,
JOSEPH HALL,
NATHANIELL HALL,
JOHN ELDREDGE.

18 Nouember.

Nouember the 18th, 1667.

Timothy Poole, son of Captaine Willam Poole, being about twenty five yeares old, on the 15th day of Nouember, 1667, in the morning, went from the house of James Bell, pretending to goe to kill some fowle, to a smale pond about halfe a mile from the house of James Bell; Hester, the wife of James Bell, reported that Timothy Poole told her that hee had killed some fowle, and that hee had some expectation to kill some more; but returning not that day, James Bell, comeing home to his house that day, made some serch in the woods for him, but not finding him, came to the towne to haue some others to goe to seeke him, with whom there were Henery Andrewes, John Hall, Jehud Talbut, Samuell Hall, Nathaniel Williams, Joseph Williams, and some others, which after some serch made by these by the syde of a smale pond, thē found on the snow his tract, and by that came where they found his gun and most of his clothes, and from thence saw where the yice had bine formerly broken into the pond; and after that, when they had feched a canoe, and after some time of dilligent serch, Henery Andrewes discouered him att

the bottome of the pond, about twelue foot deep in the water ; which when they had gotten vp, they brought to the shore, and finding noe hurt on him any otherwise but that hee perished in and by the water and the extremity of cold ; and this the verdict of the jury which was warned by the constable, which are these vnderwritten by vs.

1667.

30 October
PRENCE,
Gou^r.

GORG: HALL,
GORG: MACEY,
NICHOLAS WHITE,
JOHN COBB,
JOSEPH WILBORE,
PETER PITTS,
WILLIAM HAILSTONE,
THOMAS CASWELL,
JOHN DEANE,
RICHARD BRIGGS,
JONAH AUSTIN, Juni^r,
WILLAM HARVEY.

February 3th, 1667.

1667-8.

3 February.

The majestrates, being mett together on speciall occations, did then order, that Major Winslow and Cornett Studson, or either of them, in the behalfe of the countrey, to purchase a certaine tract of land, in the which the cornetts purchase is encluded.

In reference vnto a graunt of land graunted vnto Josias Keine, the Court haue ordered Cornett Studson to laye it forth for him according to the graunt, on the southerly syde of the land graunted to the children of Leiftenant Torrey.

The majestrates haue agreed, that in respect vnto a graunt of land made vnto Francis Combe, that all the land that lyeth betwixt that little brooke that is next to the majors land att Namassakett, vpon the riuer, containing the feild comonly called the Blacke Sachems Feild, and soe vnto a springey swamp about fifty or sixty rod on the southerly syde, and soe from the said swamp to a swamp where there is a little hole of meddow, it being alsoe encluded ; and from thence as shalbe judged meet by the Gou^r shalbe settled vpon him, the said Francis Combe.

*These are to declare vnto all whom it may concerne, that M^r John Winge, master of the ship called the Hopewell, and John Irons, and Hercules Toute, seamen appertaining to the said shipp, ariueing att the harbor of Plymouth, in New England, on Thursday, the sixt of this instant February,

6 February.

[* 172.]

1667-8. 1667, repaired vnto mee, Nathaniel Morton, Secretary to the Court for the jurisdiction of Plymouth aforesaid, on the seauenth of the said month of February, and protested against the said shipp as insufficient for the sea, forasmuch as that they, seting sayle in her from Boston, in New England, on the fift of the month of February fornamed, being in companie with other shippes, by that time they had sayled about six or seauen leagues from Nantaskett, they found, that in a moderate gale of wind, and carrying but little sayle, they were in danger seuerall times to haue bine ouerset, and tooke in diuers tuns of water vpon her decke, and that shee had a leake sprunge vpon her, wherupon they were constrained to make to the first harbour they could, and by Gods prouidence came in att Plymouth aforesaid on the seauenth of this instant forenamed; and desired that their said protest against the said shipp might be entered on the recordes of this Court; which accordingly by these p̄sents is done, and a transcript heerof deliuered the same day vnto the said m^r and seamen abouenamed, vnder the hand of the Secretary aboue mentioned.

28 February.

The bounds of Francis Combe his land, layed out by the Go^d: his west-erly bounds vpon Namassakett Riuer, his southsyde from the riuer bounded by a great beach tree in two p̄tes on one roote, from thence to a little red oake marked, and from thence vp into the woods a direct line to the southermost syde of a little spott of meddow to a marked white oake tree; on the easterly syde of the said spott of meddow, all that meddow spott to be included within his line, and from the said oake to a marked pyne tree, and from thence through a swamp to a marked white oake standing on the north syde of the path that bounds that land called the Majors Purchase; and that southermost path that comes from Namassakett to Lakenham is his syde bounds till it comes to a ridgg of hills that runs downe to Namassakett Riuer, which is the bounds betwē that land giuen to the major and the new lands of Francis Combe, his lands vpon the riuer being about sixty rodd breadth, be it more or lesse, that p̄te being called the Black Sachems feild, buting vpon the riuer against the stone ware; and all the rest of the land expressed within the bounds aboue mentioned, be it more or lesse, layed out to him on the 24th of February, 1667.

As attesteth THOMAS SOUTHWORTH, Assistant.

Plymouth, the 28th of February, 1667.

**Att the Court of his Ma^{tie} held att Plymouth for the Jurisdiction of New Plymouth, the fift Day of March, Anno Doñi 1667.* 1667-8.

| | |
|--|-------------------|
| BEFORE Thomas Prence, Gov ^r , | William Bradford, |
| John Alden, | Thomas Hinckley, |
| Josias Winslow, | John Freeman, and |
| Thomas Southworth, | Nathaniel Bacon, |
| Assistants, &c. | |

5 March.
PRENCE,
Gov^r.
[*173.]

THE Court haue ordered, that M^r Alden, Captaine Southworth, and the Treasurer shall, on the second day of May next ensueing the date heerof, repaire to Marshfeild, and take notice of the bounds of some land in controuersye, and the differences therabout between Captaine Thomas and the towne of Marshfeild, and to make report therof to the next Court.

Leiftenant Morton and Gorge Bonum are appointed by the Court to range the land of Edward Gray att Rockey Nooke, and also to lay out a highway by it, which land is to be ranged and to run on the same point of the compas as M^r Howlands att Rockey Nooke next vnto John Cookes doth, that is to say, on a west southwest line.

Leiftenant Morton and seuerall others of the naighbours liueing towards the Eelriuer gaue in att this Court an account of a late amesurment and ranging of their lands, viz^s, their twenty acree lotts, with their additions or enlargments; that is to say, of their said twenty acree lotts, from the widdow Churchills bounds on the northeren syde to William Clarkes southerly bounds or line, and respecting the said aditions from Nathaniel Mortons northerly syde or line to William Clarkes southerly line of his addition, or the southermost bound of the vper end of his land att the Eelriuer; and the Court ordered, that the said ranges and bounds should be recorded, and are extant elswher in the records of the Court, and to be feirme and settled for the future, and not to be altered.

See Booke of Euidences of Land recorded, folio 133.

‡The great booke of orders and passages of the court, folio 133.‡

It is ordered by the Court, that wheras a certaine Indian appertaining to our jurisdiction is now in hold att Boston for matter of fact, and that there is probabilitie of a tender of some land for his ransome from being sent to the Barbadoes, that incase the said land be tendered to acceptance, that it shalbe improved and expended for the defraying of the charge of the printing of the booke intituled New Englands Memoriam.

In reference vnto a claime made by Benjamine Bartlett vnto some land giuen by M^r Jonathan Brewster, deceased, vnto his wife, which is said to lye in Alkarmus Feild, the Court haue ordered, that incase hee can produce any

1667-8. testimony to manifest wher M^r William Brewsters land lyeth within the said feild, that then hee shall haue four acrees layed out vnto him by William Crow; and incase that afterwards hee can produce any other evidence that more is due vnto him there, that hee shall haue it layed out to him.

5 March.
PRENCE,
Gov^r.

Wheras there hath bine a controuersye between the towne of Duxburrow and Robert Barker about a p̄sell of meddow lying att Robinsons Creeke, in the township of Duxburrow, and that there was an order directed from the Court vnto the towne of Duxburrow, bearing date March the fift, 1666, in which said order is expressed, that incase the said towne of Duxburrow, or any of them, did not produce any thinge to the contrary betwixt that Court and the shutting up of the June Court following, that then, vpon such evidence as hee should produce, should haue the said meddow recorded vnto him; and that since that time, nothing hath appered to the Court to be a sufficient reason to obstruct the same; this Court doth therefore heerby ratify, confeirme, and settle vnto the said Robert Barker the said p̄sell of meddow, being nine acrees and an halfe, be it more or lesse, being bounded on the northerly syde with the meddow of Robert Sprout, and with the meddow of Gorge Russell on the southerly syde, and with the meddow of William Tubbs on the west-erly syde.

[*174.]

*Wheras, att the Court held att Plymouth the 2^{cond} of July, 1667, the said Court graunted vnto Richard Bourne, of Sandwich, a smale skirt of sedge or creeke stuffe, with some smale tract or p̄sell of vpland to it, lying neare M^r Josias Standishes land att Mannomet, which was to ^{be} viewed by William Paybody; and incase that it should not be found p̄judiciall to the aforesaid land of M^r Standishes, that it should be confeirmed to him, the said Richard Bourne.

Att this Court, the said William Paybody came into the Court, and certified the Court that hee hath viewed the said skirt of sedge or creeke stuffe, and findeth it not prejudiciall vnto the said land; and therefore the Court doth settle and confeirme vnto the said Richard Bourne the said smale p̄sell of vpland and creeke stuffe, and some smale inconsiderable p̄sells of meddow heer and ther amongst it, to him and his heires and assignes for ener, hee satisfying the right Indian propriators for the same.

In answare vnto a petition prefered to the Court by John Jacob, of Hingham, and others the p̄tenors in the land graunted to M^r Hatherly att Accord Pond, that forasmuch as some of the p̄tenors, whoe haue but smale portions in the said lands, are not willing to consent vnto such good orders as the generallitie of them doe agree vpon in reference to the said land, incase that such p̄sent decenting p̄tenors doe not concurr and come to an agreement

with the rest in reference vnto such orders betwixt this date and the next June Court, that then it shalbe att the libertie of the generallitie of them to make deuision of the said lands.

¶ Res of adminnestration were graunted vnto Mistris Elizabeth Thacher and vnto John Thacher to adminnester on the estate of M^r Anthony Thacher, deceased.

¶ Res of adminnestration were graunted vnto Mary, the wife of Anthony Dodson, to adminnester on the estate of John Williams, Seni^r, of Scittuate, deceased.

It being desired that a ferrey should be kept on our side to transport psons ouer to Road Iland, the Court hath appointed John Cooke and other the naighbours of Dartmouth to take order with one to doe the same ; and the Court likewise giues libertie, that hee whom they shall order to be employed therin to erect some smale building and to improue some land there, with the Indians pmission, for his more comfortable healp and carrying on whiles hee is in the said employment.

This Court doth alow and approue of M^r Nathaniell Bacon and Joseph Laythorpe to be gaurdians vnto Joseph Hull, the son of M^r Trustrum Hull, deceased.

Daniell Wilcockes tooke the oath of fidelitic this Court.

In reference vnto the complaint made against Ralph Smith, of Eastham, concerning oppression and hard dealing with a carpenter named Crispen Wadlen, whoe was one of Captaine Allins companie, which said Wadlen kept about three weekes att the said Smithes house, the Court haue ordered, that a certaine p̄sell of tooles which the said Smith had of the said carpenters shalbe deliuered vnto Nicholas Snow, to be sent to the said Wadlen ; and that the said Snowes receipt of them shalbe the said Smithes discharge ; and that a certaine p̄sell of cotten woole, which the said Smith had of the said Crispin Wadlen, shalbe by him, the said Smith, kept, if hee please, for full satisfaction for the time & charge hee was att when att his house as aforesaid.

And in reference vnto the complaint of Captaine Allen against the said Ralph Smith for like oppression or hard dealing, forasmuch as none appeared in the Court to be authorised to procequite against him in his behalfe, the Court doe leaue it to the said Captaine Allin further to proceed therin as hee shall see cause.

*The Court doe alow and approue that the township graunted vnto Captaine Willett and others, his naighbours, att Wannamoissett and places adjacent, shall hensforth be called and knowne by the name of Swansey.

The Court haue appointed Captaine Willett, M^r Paine, Seni^r, M^r Browne,

1667-8.

5 March.
PRENCE,
Gou^r.

[*175.]

1667-8. John Allin, and John Butterworth to haue the trust of admittance of towne inhabitants into the said towne, and to haue the disposall of lands therin, and ordering of other the affaires of the said towne.

5 March.
PRENCE,
Gov^r.

The Court haue graunted liberty vnto Captaine Willett to purchase what lands hee can in the behalfe of the Court within the township of Swansey soe as hee doe not to much straiten the Indians.

The Court haue declared, that soe farr as in them lyeth they are willing that for such stronge liquors as are or shalbe brought into the said towne by forraigners in the way of trad, it shalbe costum free soe as it be not retailed; and this libertie to continew for the tearme of seauen yeares from the date heerof.

It is further ordered by the Court, that the towne of Swansey shall send downe one to serue in the office of a constable for that constablericke, and one for a deputie, and a grandjury man, vnto the next June Court, to take office to serue in their respectiue places and offices for that towne.

Eastham, the 24th of the 10th month, 1667.

Wee, whose names are vnderwritten, being impannelled vpon a jury to make dilligent and carefull serch and enquiry, according to that measure of wisdome and discretion that God hath giuen vs, concerning the death of Robert Chapell, James Nicolls, and William Pidell, that were of the companie of Captaine John Allen, which by Gods prouidence was put on shore vpon Cape Codd, wee find, according to our best wisdome and deseretion, that the cause of Robert Chapells and James Nicolls was wett, extream cold, and some liquors which they dranke; these thinges working together vpon them wee judge to be the cause of their death; and concerning William Pidell, wee apprehend that former sicknes which we vnderstand was vpon him, and wett, and extream cold wee judge to be the cause of his death; heerin wee all agree. Witnes our hands,

Fines.

MARKE SNOW,
JOSEPH SNOW,
BENJAMINE HIGGENS,
DANIELL DONE,
JOHN COLE,
JOSHUA BANGES,
RICHARD HIGGENS,
THOMAS PAINE,
BENAJAH DUNHAM,
JOHN SMALLEY,
JOHN MAYO,
JONATHAN SPARROW.

*Wee, whose names are vnderwritten, being impanneled vpon a jury, 1667-8. this first day of January, 1667, to serch and inquire, according to that measure of wisdome and deseretion God hath giuen vs, concerning a child about fiue or six yeares old, which was kept by John Smalley, Seni^r, of Eastham, being found dead in the woods, about six or seauen miles from the house of John Smalley abouesaid, wee doe all judge, that it came by his death by straying away, lost its right path to gitt home againe, and was killed by the cold.

5 March.
PRENCE,
Gov^r.
[*176.]

BENJAMINE HIGGENS,
WILLIAM SUTTON,
SAMUELL DOTEN,
ELIAS WHITE,
EDMOND FOARD,
BENJAMINE SPILLER,
ROBERT WIXAM,
GYLES HOPKINS,
GORGE CRISPE,
WILLIAM TWINING,
RICHARD KNOWLES,
JOHN YOUNGE.

Samuel Smith tooke the oath of fidelitie the 25th of October, 1667.

In reference to the p^sentment of Joseph Turner, for his breach of the peace in strikeing Thomas Perrey, is fined 00 : 03 : 04.

The said Joseph Turner, for makeing and publishing a scurrilous and infamous writing, wherin is contained many laciuous and filthy verses, hee is centanced by the Court to be publickly whipt, or to pay a fine of fiue pounds ; and in reference to his frequency in speakeing falsely and scandulously of others as in that paper, and att other times, hee is centanced by the Court to find surties for his good behavior vntill the next June Court.

| | |
|---|----------------|
| Joseph Turner acknowledgeth to owe vnto our soū | } 20 : 00 : 00 |
| lord the Kinge the sume of | |
| Nathaniell Turner the sume of | 10 : 00 : 00 |
| Richard Dwelley the sume of | 10 : 00 : 00 |

The condition, that if the said Joseph Turner be of good behavior Released. towards our soū lord the Kinge and all his leich people, and in speciall that hee beware of speaking scandulously and falsly of others, and appeer att the Court of his ma^{tie} to be holden att Plymouth the first Tusday in June next, and not depart the said Court without lycence ; that then, &c.

Joseph Bartlett, for breakeing the Kinges peace in strikeing of an Indian called Sampson, is centanced to pay a fine of 00 : 03 : 04.

1667-8.

5 March.
PRENCE,
Gou^r.

And for his abusing the said Indian therein, hee is ordered by the Court to pay to the said Indian a bushell of Indian corne.

In reference vnto a controuersy between Joseph Turner and Hester Wormall, concerning reports deuouged by the said Turner against the said Hester Wormall, forasmuch as that notwithstanding such testimonies as haue bine produced on both sydes for the clearing of the case, it lyes dubiouse to the Court, it is for the p^rsent suspended vntill further complaint and euidence shalbe produced vnto the Court for the clearing vp therof.

[*177.]

The said Nathaniel Soule, requiring to be tryed by his peers according to law, was indited for the said fact, and vpon the reading of the inditment owned himselfe guilty therof.

*Att this Court, Nathaniel Soule, being summoned, appeared to answare for his abusing of M^r John Holmes, teacher of the church of Christ att Duxburrow, by many false, scandulous, and opprobriouse speeches, as appeared to the Court by many testimonies, for which hee was centanced by the Court to make a publicke acknowledg^ment therof att this p^rsent Court, and to find surties for his good behauior, and to be sett in the stockes duering the pleasure of the Court; att the earnest request of the said M^r Holmes, the latter p^rte of the centance was remitted; the two former p^rtes therof were p^rformed as followeth:—

These are to declare vnto all men, that wheras I, Nathaniel Soule, of Duxburrow, being p^resented before this honored Court now in being att Plymouth, and alsoe indited for wickedly speaking, and with an high hand contumeliously villifying and scandulising M^r John Holmes, minnester of the gospell att Duxburrow, the which accordingly as I did owne myselfe to be guilty of the abouesaid p^rticulares, wheras the said inditment was read in the Court, soe doe I now; and that this my wickednes in soe speaking of soe godly a man is greatly a^grauated in that it hath a tendency to the hinderence of the efficacye of that great and honorable worke of the preaching of the gospell vnto which hee is called; and soe, as it is rightly said in the aforesaid inditment, I haue dishonored God, and what in mee lyeth in the aforesaid respects hindered the good of the soules of his matⁱes good subjects, and therby haue not onely incurred the wrath and great displeasure of God, but alsoe doe deserue seuerer punishment from this honored Court to be inflicted on mee, and doe desire that noe other may be any way incurraged by my wicked example att any time to speake soe wickedly and abominably, and that this may be a warning to mee whiles I liue to take heed that I noe more soe falsely & wickedly speake as I haue done of the said reuerend man, nor of any other, being willing to submitt myselfe vnto the centance of the Court, as being justly inflicted on mee, and being farr lesse then my demeritts in reference to the p^rmises; and that this my publicke acknowledg^ment may be

entered on the records of this honored Court, and for the truth of this my acknowledgment, I haue heervnto subscribed my hand in the p̄sence of this honored Court.

1667-8.
5 March.
PRENCE,
Gou^r.

NATHANIEL SOULE.

Nathaniel Soule acknowledgeth to owe vnto our soū }
 lord the Kinge the sūme of } 20 : 00 : 00
 Gorge Soule, Seni^r, the sūme of } 10 : 00 : 00
 John Soule the sūme of } 10 : 00 : 00

The condition, that if the said Nathaniel Soule be of good behauior towards our soū lord the King and all his leich people, and be carefull not to speake contumeliously or scandulously either of M^r John Holmes or any other, as hee hath done, and appeer att the Court of his ma^{tie} to be holden att Plymouth the first Tusday in June next, and not depart the said Court without lycence; that then, &c. Released of these bonds.

Francis, the sachem of Nausett, for his vnciuill and inhumaine words and carriages to Captaine Allin when hee was cast away on Cape Cod, was com̄itted to ward for a certaine time, and fined 10 : 00 : 00.

**Att the Generall Court of Election held att Plymouth the third Day of June, Anno Doñi 1668.* 1668.

3 June.
[*178.]

| | |
|--|-------------------|
| BEFORE Thomas Prence, Gou ^r , | William Bradford, |
| John Aldin, | Thomas Hinckley, |
| Josias Winslow, | John Freeman, and |
| Thomas Southworth, | Nathaniel Bacon, |
| Assistants, &c. | |

M^R THOMAS PRENCE was chosen Gou^r, and sworne.

| | | |
|--|---|-------------------------------------|
| M ^r John Alden, Major Josias Winslow, Cap ^t Thomas Southworth, Cap ^t William Bradford, M ^r Thomas Hinckley, M ^r John Freeman, and M ^r Nathaniel Bacon, | } | were chosen Assistants, and sworne. |
|--|---|-------------------------------------|

1668.

Major Josias Winslow and Captaine Thomas Southworth were chosen Comissioners.

3 June.
PRENCE,
Gov^r.

Mr Thomas Prence was the next in nomination.

Mr Constant Southworth was chosen Treasurer, and sworne.

The Names of the Deputies of the seuerall Townes.

| | |
|----------------------------|------------------------|
| Leiftenant Ephraim Morton, | John Chipman, |
| Samuell Dunham, | Anthony Snow, |
| Mr Constant Southworth, | Ensigne Eames, |
| Mr Josias Standish, | Leiftenant Peter Hunt, |
| Mr Thomas Kinge, | Ensigne Henery Smith, |
| Thomas Burgis, | Daniell Cole, |
| James Walker, | Jonathan Sparrow, |
| William Harvey, | John Willis, |
| Thomas Howes, | John Cooke, |
| John Thacher, | John Allin. |
| Leiftenant Laythorpe, | |

[•179.]

*The Names of the Grand Enquest.

| | |
|----------------------------------|--------------------------------|
| Mr Wiltam Clarke, | Ensigne John Haward, |
| Mr James Browne, | Jeremiah Howes, |
| Mr Samuell Saberey, | Benjamin Nye, |
| Henery Wood, | Paule Saers, |
| John Otis, | John Wadsworth, |
| John Turner, Seni ^r , | Arther Hathewey, |
| John Damman, | John Done, Juni ^r , |
| Phillip Walker, | John Hall, |
| Jouathan Blisse, | Edward Bobbitt, |
| Nathaniel Thomas, | Jabez Lambert. |
| John Rogers, | |

The Constables of the seuerall Townes in this Jurisdiction.

| | |
|----------------------|----------------------|
| Plymouth, | John Wood. |
| Duxburrow, | Joseph Wadsworth. |
| Scittuate, | { Mathew Gannett, |
| | { Benjamine Studson. |
| Sandwich, | William Swift. |

| | |
|------------------------|--------------------------------------|
| Taunton, | Samuell Smith. |
| Yarmouth, | Richard Tayler. |
| Barnstable, | Henry Bourne. |
| Marshfeild, | { Clement Kinge, Samuell Sprague. |
| Rehoboth, | { Robert Fuller, Gorge Kendricke. |
| Eastham, | Samuell Freeman. |
| Bridgewater, | Nicholas Byram. |
| Dartmouth, | John Briggs. |
| Swansey, | Nathaniel Pecke. |

1668.

3 June.
PRENCE,
Gov^r.

Surveyors of the Highwaies.

| | |
|------------------------|---|
| Plymouth, | { Gorę Bonum, Joseph Howland, Jonathan Morey. |
| Duxburrow, | { Gorge Partrich, Henry Howland. |
| Scittuate, | { Cornett Robert Studson, Serjeant William Tickner, William Peakes. |
| Sandwich, | { Myls Blackwell, Edward Perrey. |
| Taunton, | { Leiftenant Gorge Macye, Peter Pitts. |
| Bridgewater, | ^ |
| Yarmouth, | { Thomas Gage, Judah Thacher, |
| Barnstable, | { John Crocker, Seni ^r , John Finney, Seni ^r . |
| Marshfeild, | { Joseph Bedle, Resolved White. |
| Eastham, | { Jonathan Banges, William Walker. |
| Rehoboth, | ^ |
| Dartmouth, | ^ |
| Swansey, | ^ |

1668.

*The Celect Men of each Towne of this Jurisdiction.

3 June.
PRENCE,
GOU^r.
[*180.]

| | | |
|-----------------------|---|--|
| Plymouth, | { | Leiftenant Ephraim Morton, Serjeant William Harlow, William Crow. |
| Duxburrow, | { | William Paybody, Christopher Wadsworth, Benjamin Bartlett. |
| Scittuate, | { | M ^r Thomas Kinge, John Sutton, Isacke Bucke. |
| Sandwich, | { | Thomas Tupper, Seni ^r , James Skiffe, Seni ^r , Edmond Freeman, Juni ^r . |
| Taunton, | { | Gorge Hall, Richard Williams, Walter Deane, William Harvey, James Walker. |
| Yarmouth, | { | M ^r Edmond Hawes, James Mathewes, Thomas Howes, John Miller, John Thacher. |
| Barnstabł, | { | Thomas Huckens, William Crocker, John Tompson, John Chipman, Leiftenant Laythorpe. |
| Marshfeild, | { | Leiftenant Peregrine White, Ensigne Marke Eames, Anthony Snow. |
| Eastham, | { | Richard Higgens, Daniell Cole, Nicholas Snow. |
| Bridgwater, | { | John Willis, Nicholas Byram, John Carrey. |

Jāedia Lumbert and his wife, for comitting carnall coppulation before
marriagē, after contract, fined 05 : 00 : 00.

*The Names of such as are appointed by the Court to recieve the Excise in each Towne of this Jurisdiction.

1668.
 3 June.
 PRENCE,
 Gov^r.
 [*181.]

| | |
|------------------------|--|
| Plymouth, | Benajah Pratt. |
| Duxburrow, | Henry Sampson. |
| Scittuate, | Isacke Chettenden. |
| Sandwich, | { Thomas Tobey, and Thomas Tupper, Jun ^r . |
| Taunton, | William Harvey. |
| Yarmouth, | { John Miller, John Hawes. |
| Barnstable, | { Leiftenant Laythorpe, Thō Huckens. |
| Marshfeild, | Anthony Snow. |
| Rehoboth, | Daniel Smith. |
| Eastham, | Ensigne Merricke. |
| Bridgewater, | John Eames. |
| Dartmouth, | Serjeant Shaw. |

Memorandum : that Samuell Sturgis, Edward Sturgis, Eliza Hedge, Thomas Starr, John Crow, Jun^r, Abraham Hedge, John Mocoy, and Marke Redly be sent for to the next Court, to giue a reason of their bringing in such great quantities of liquor into the collonie.

In reference vnto the complaint of an Indian called Powas against Peter Pitts, of Taunton, for detaining of his gun from him on pretence of none pformance of a bargaine about breaking vp of ground, the Court haue ordered, that the said Indian shall breake vp twenty rodd of ground for the said Peter Pitts ; and when that is don, hee shall haue his gun returned to him againe in good culture.

M^r Hinckly, M^r Bacon, and M^r Freeman, or any two of them, are appointed by the Court to settle a difference betwixt Gor̄g Allin and Richard Chadwell in reference to a highway, either as they returne home from this Court or as they come to July Court ; the said way to be twenty foot in breadth, or more, if it may be convenient.

In reference to the complaint of Sacary Ryder against Richard Berrey, on suspension of the stealling of an axe from him, the Court haue ordered M^r Hinckley and M^r Bacon, forasmuch as matters cannot att present be cleared, it is refered to M^r Hinckley and M^r Bacon to end it att home.

In reference vnto the complaint of Thomas Howes, the late constable of Yarmouth, against William Nicarson, Sen^r, Nathaniell Couell, Samuell

1668.

3 June.
PRENCE,
Gov^r.

Nicarson, Joseph Nicarson, and William Nicarson, Jun^r, for affronting him in the execution of his office, and offering diuers abuses to him therein, the Court haue centanced them all to sitt in the stockes dureing the pleasure of the Court, which accordingly was pformed; and p̄ticularly, forasmuch as the said William Nicarson, Seni^r, hath bine principall and leader in the said affront, hee was centanced by the Court to find surties for his good behauior vntill the Court to be holden att Plymouth in October next, or to be comitted to prison vntill hee soe doe; hee, refusing to prouide surties, stood comitted three daies, and after that gaue bonds as followeth:—

| | |
|---|----------------|
| William Nicarson acknowledgeth to owe vnto our soū | } 20 : 00 : 00 |
| lord the Kinge the sūme of | |
| James Cole, Seni ^r , the sūme of | 20 : 00 : 00 |

Released.

The condition, that if the said William Nicarson be of good behauior towards our soū lord the Kinge and all his leich people, and appeer att the Court of his ma^{tie} to be holden att Plymouth aforesaid the last Tusday in October next, and not depart the said Court without lycence; that then, &c.

[*182.]

*In reference vnto a p̄sell or tract of land formerly graunted vnto M^r Thomas Prence, lying att Namassakett, the Court haue appointed Major Winslow, Captaine Southworth, and Leiftenant Morton to lay out a proportion of the land hee hath lately purchased there vnto him, as they shall thinke meet, or to settle the whole of it to him, if on the sight and viewall therof they shall see cause.

In answare to a proposition made by M^r Thomas Prence, Gov^r, to purchase the seate hee now liueth on att Plaindealing, in the township of Plymouth, this Court did voate the sale therof vnto him, and accordingly ordered M^r Hinckley, M^r Bacon, M^r Constant Southworth, Treasurer, Daniell Cole, John Allin, John Chipman, and Leiftenant Morton, in the behalfe of the colonic, to make sale therof.

The tearmes and conditions wherof are as followeth:—

Viz^d: that the said house and land, with all and singulare the appurtenances and priuiledges belonging thervnto, viz^d, the whole seat, with all the additions and enlargments appertaining thervnto, is bargained and sold vnto the said M^r Thomas Prence, to him and his heires and assignes for euer, for and in consideration of the sūme of one hundred and fifty pound, in current cuntry pay, to be payed one third therof this time three yeare, another third therof this time six yeare, and the other third this time nine yeare. It is likewise agreed by and between the said p̄ties, that if it be to be sold att any time, the cuntry shall haue the refusall therof, and to haue it on the same tearmes it is now sold, prouided that what it shalbe the better by any expence

on it in the interem, it be payed for ouer and aboute the sume aboute mentioned.

The Court haue likewise ordered, and doe by these p̄sents impower M^r Constant Southworth, Treasurer, for and in the behalfe of the collonie, to giue and seale deeds and euidences further requisite in law for the full ratification and ample conferment of the said p̄mises vnto the said M^r Thomas Prence, hee, his heires, and assignes for euer, allowing and approueing as authentically whatsoeuer the said Constant Southworth shall doe therein as their acte and deed.

A portion of land is graunted vnto Experience Michell lying next vnto Hugh Coles graunt, which is betwixt Mattapoisett Riuer and the easterly bounds of Acushena, on the western syde of the said riuer.

This Court, Josias Wampatucke came into the Court, and owned that the three mile square of land by Accord Pond, which was graunted by the Court to M^r Hatherley, that hee hath sold it to M^r Hatherley, and is by him fully satisfied for it.

It is ordered by the Court, that Paomett and soe farr as the Cape Head be reputed within the constablericke of Eastham.

It is likewise ordered, that the lands att Mannamoite be att present reputed to be in the constablericke of Eastham, and liable to pay publicke charges there.

It was ordered by the Court, that the ferrey att Pochasett be ordered and to farme lett by John Cooke and Daniell Wilcockes in the behalfe of the countrey.

This Court, John Briggs, John Sherman, and Ralph Earle tooke the oath of fidelitie.

*The Court haue ordered, that a tract of land containing a mile and a halfe, lying on the north side of the towne of Rehoboth, is allowed to be the proper right of the said township, and for such lands as are lying betwixt the Bay line; and it is to be accompted within the constablericke of Rehoboth vntill the Court doe order it otherwise; and that such farmes as lyeth within the said liberties shalbe responsible in point of rateing att the collonies despose.

The Court, haueing taken into consideration the controuersy att Dartmouth, arising from a diuersitie of expressing the eastermost bounds of Dartmouth, and finding vpon serch of the first ancient record that the bounds was to take place from the riuer and two miles eastward, but this Court allowes of three miles eastward, and doth mind the riuer, and not the bay, to take the three miles from, and the tree that hath bine their bounds soe longe, and hath bin proued, the Court sees noe reason but you ought to rest satisfied in.

1668.

3 June.
PRENCE,
Gov^r.

[*183.]

1668.

3 June.
PRENCE,
Gov^r.
A testimony
appointed to
be recorded.

The testimony of Richard Sisson, aged sixty or therabouts: John Archer, being att my house, did speake as followeth, and said, the deed of gift made by Namumpam to John Sanford and himselfe was a cheatt, and the intent therof was to deceiue Namumpam, squa sachem, of her land; and they were to haue both corn and peague to ceure her land from Wamsutta or Peter Talmon, and was to resigne vp the deed att her demand.

And I, Mary Sisson, doe testify, that I heard the same words att the same time; and further, when my husband was gon out of the house, I heard them both say they were troubled in consience that they had concealed it soe longe, and did refuse to take pte of the gratification.

This was attested vpon oath before mee,

May 27, 1668.

JOHN COOKE.

Richard Sisson was sworn to this testimony aboue written this 3 of the 4, 68.

Before mee,

JOHN ALDEN, Assistant.

Att this Court, the sume of twenty pound in countrey pay was ordered to be improved by the Treasurer for and towards the printing of the booke intituled New Englands Memoriall; and it was likewise recomended to the scuerall townes of this jurisdiction by their deputies to make a free and vouldentary contribution in mony for and towards the procuring of paper for the printing of the said booke.

This Court, Ensigne Henery Smith is authorised by the Court to make contracts of marriage in the towne of Rehoboth, and likewise to adminnester an oath to giue euidence to the grand enquest, and likewise to adminnester an oath to any witnesses for the tryall of a cause as occasion may require; and in case any pson within this goument shall haue occasion to comience a suite against any stranger or forraigner, it shalbe lawfull for the said Ensigne Smith to issue out warrants in his maties name to bind ouer any such pson or psons to answare the said suite att the Court of his matie to be holden att Plymouth by attachment or summons att any time as occasion shall require, and likewise to graunt subpenaies as occasion shall require for witnesses in the case.

[*184.]

*Nathaniell Soule, standing presented vntill this Court, and summoned therunto to answare, for his telling of a pnisious lye, did put the case vpon trauerse, not owning the p̄sentment.

The names of the jury are as followeth: —

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3 June.
PRENCE,
Gov^r.

| | | | |
|-------------------|-----------|---------------------------------|-----------|
| Mr John Jacob, | } sworne, | Robert Barker, | } sworne. |
| William Barstow, | | Nathaniell Thomas, | |
| Thomas Paine, | | James Cole, Juni ^r , | |
| Serjeant Tinkham, | | James Cobb, | |
| Thomas Pope, | | John Cole, | |
| Phillip Walker, | | John Smith, | |

These found the p̄sentment.

And the said Soule, for telling of a p̄nicious lye, was fined, according to law, the sūme of 00 : 10 : 00.

Att this Court, Joseph Turner, for misdemeaning himselfe in speaking dishonorably and offenciue by vttering seuerall words concerning the Goũ, was centanced to sitt in the stockes during the pleasure of the Court; but att the earnest request of the Goũ, and on the said Turner his promise of reformation, this centance was remitted.

| | |
|--|----------------|
| Att this Court, Thomas Starr, for being distempered in drinke, was fined fīue shillings. | } 00 : 05 : 00 |
| John Mathews, for excessiue drinking, was fined fīue shillings. | } 05 : 00 |
| John Haddaway, of Barnstable, for abusing himselfe with drinking, was fined fīue shillings. | } 00 : 05 : 00 |
| Walter Joyce, of Marshfeild, for abusing himselfe with drinke, fined | } 00 : 05 : 00 |
| Joseph Trewant, for distempering himselfe by exces- siue drinkeing, fined fīue shillings. | } 00 : 05 : 00 |
| Mary Phillips and Jane Hallowey, for breaking the Kings peace by strieking each other, were fined each | } 00 : 03 : 04 |

Att this Court, vpon the oftens and earnest suite of William Tubbs to be diuorsed from his wife, shee haueing for a longe time sequestered herselfe from him, and will not be p̄swaded to returne to him, the Court haue directed letters to Road Iland to the goũment there, in whose jurisdiction shee now is, to request them to take course that shee may be informed of the Courts pleasure and determination, that incase shee, the said Mareye Tubbs, the wife of William Tubbs, doe not returne vnto her said husband between this date and the Court of his ma^{tie} to be holden att Plymouth the first Tusday in July next, that then hee, the said William Tubbs, shalbe diuorced from her.

| | |
|--|-----------|
| Edward Gray, for vseing reviling speeches to John Bryant, the son in law to Steucl Bryant, of Plym- outh, on the Lords day, as soone as they came out of the meeting, was fined | } 10 : 00 |
|--|-----------|

1668.

**Att the Court of his Ma^{tie} holden att Plymouth the 7th of July,
1668.*

7 July.

PRENCE,
Gov^r.

[*186.]

BEFORE Thomas Prence, Gov^r,
John Alden,
Josias Winslow,
Thomas Southworth,

William Bradford,
Thomas Hinckley,
John Freeman, and
Nathaniel Bacon,

Assistants.

THIS Court, taking notice of much injury already don and more like to insue to this collonie by haueing sundry of our swamps pillaged lying within our line, doe therefore order and impower Major Josias Winslow, M^r Constant Southworth, Treasurer, and Cornett Robert Studson, or any two of them, to sell all such swampes, or soe many as they shall see cause, to the best advantage of this collonie.

And wheras there was an order of Court to lay out a psell of land to William Berstow for some service of his to the countrey in ruining the line, and that the proportion is not mencioned, the Court haue ordered, that the psons aboue named lay him out forty acres of arrable land, or att the vtmost but fifty, if they judge it convenient, and that they make sale of the rest of the land in that purchas either to the said Barstow or any other to the best advantage for the collonie.

In reference vnto a former graunt, vpon a petition presented vnto the Court by Bridgwater, desiringe their enlargment may extend the whole six mile that they purchased of the Indians by order from the Court, the Court haue graunted vnto the township of Bridgwater that they shall haue six mile from the center on the northsyde where the line of the collonie hindereth not, and on the westsyde vp to Taunton bounds, and on the south and southeast syde vnto Teticutt Riuer as farr as the six mile extends; and soe likewise on the east syde, that is to say, the whole six mile from the center east, west, north, and south, alwaies prouided, that what graunts of land formerly made by the Court be not molested. It is alsoe ordered, that those lands that are between Bridgwater and Namassakett already graunted shalbe determined by the Court vnto what township they shalbelong; and that the Indians be not molested, notwithstanding this enlargment; and that all those graunts that are within this six mile shall belong to the township of Bridgwater; and that the town of Bridgwater be carefull to accomodate M^r Keith with a competency of land within the said graunt of the said six mile.

In reference vnto a motion made to the Court by Thomas Andrews, in

the behalfe of Gorge Vicory and Gorḡ Partrich, to haue a supply of land settled vpon them in reference to a former graunt vnto them as ancient ser-
uants, the Court haue ordered the Treasurer and Cornett Studson to lay out
to each of them sixty acres of land between the line of the collonie and John
Hanmores lott, principally to the westward of the old path leading from Bridḡ-
water to Waymouth; or if any other be found therabouts that the said psons
deputed shall see meet to lay out vnto them, that they haue each of them
a like proportion, both for quantity and qualitie, as farr as conveniently
they can.

In reference vnto the printing of the booke intituled New Englands
Memoriall, the Court haue ordered, that the Treasurer shall indent with the
printer for the printing therof; and to improue that which is or shalbe con-
tributed thervnto with the suḡme of twenty pounds, ordered by the Court to
that end, and the suḡme of five pound more if hee shall see cause, the said
twenty five pound to be out of the countreyes stocke; and to indent with M^r
Green to print it, if hee will doe it as cheap as the other; and for the number
of coppies, to doe as hee shall see cause.

*The Court confeirmeth vnto Ensigne Barnard Lumbert, John Finney,
Seni^r, and Isacke Robiunson a certaine necke of land, with the meddow adjoyn-
ing thervnto, coḡmonly called Passuntaquanuncke Necke, on the South Sea,
heertofore graunted to them, and as is now layed out to them by M^r Thomas
Hinckley, M^r Nathaniel Bacon, and Richard Bourne, appointed thervnto by
the Court, being bounded westerly by a river which deuides between the said
necke and Quenaumett, and by the next river easterly, together with a stripp
of land coming vp from the said necke to the high way which leads from
Barnstable to Saconesett for their coḡmon and out lett, being p^{te} of those
lands purchased by the said Thomas Hinckley, and Nathaniel Bacon, and
Richard Bourne, mencioned in a deed of sale bearing date the second of
December, 1667, signed by Quachatasett, Sepitt, and Acomont, sachems;
alsoe, this Court confeirmeth vnto M^r Thomas Hinckley and M^r Nathaniel
Bacon all the resedue or remainder of the lands, both vpland and meddow,
contained within the said deed of sale, from the aforesaid riuier easterly extend-
ing to Wequasett, according to the bounds mencioned in the abouesaid deed
of sale, in right of the Courts former graunt vnto them, as alsoe *as alsoe* in
right vnto the Courts graunt vnto William Clarke, bought by them, the said
Thomas Hinckley and Nathaniel Bacon.

The third day of the fourth month, 1668, according vnto Court order,
wee haue layed forth vnto M^r William Brett, Thomas Haward, Seni^r, Arther

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[*187.]

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Harris, John Willis, Seni^r, and John Carey sixty acres of land, vnto each pson aboue expressed, be it more or lesse, and is bounded as followeth : —

Wee began att the westerly end, next the lands of Henery Andrewes, att a brooke called by the name of South Brooke ; the first lott, nãfily, John Careyes, begins att the abouesaid brooke, and ruñeth for his westerly line as the brooke ruñeth vntill it extends vp into the woods for his full length, and from the said brooke for his breadth vpon a northeast line vntill it meets with two white oake trees marked, which two trees rangeth for their length about nor^t west and south east, which easterly syde of the first lott must soe range.

The second lott, which is Arther Harrises, rangeth from the abouesaid white oake trees northeast till it meets with a smale liue oake tree marked and standing in a smale swamp.

The third lott, which is Thomas Hawards, Seniers, begins att the abouesaid liue oake tree, and extends for its breadth northeast till it meets with a great white oake tree marked standing neare a run of water haueing allowance in measure as to the breadth for the meanes of it.

The 4th lott, which is M^r William Bretts, begins att the abouesaid great white oake, and rangeth on the same point of compas for its breadth vntill it meets with a red oake tree marked standing on a little knowle neare Trought Brooke, on the easterly syde of the brooke.

The fift and last lott, which is the lott of John Willis, Seni^r, begins att the abouesaid red oake, and ruñeth on the same point as the rest doe vntill it meets with a smale white oake tree marked a little aboue the path goeing to Teticutt ; all these last four lotts ruñeth for breadth and length as the easterly syde of the first lott doth ; and because wee found that the land was very mean, excepting a little stripp along the riuier, wee haue extended their lines to run for euery of their lotts sixty pole on the northerly syde of the riuier, vpon the same point of compas as their lotts run on the southerly syde.

WILLIAM BRADFORD,
CONSTANT SOUTHWORTH.

[*188.]

*In reference vnto a controuersy between an Indian called Peter and James Bell, of Taunton, about a deer, the Court haue ordered, that the said Bell shall pay or cause to be payed vnto the said Indian the sume of fifteen shillings ; and for his neglect and contempt in not obseruing of the order of the celect men of the towne of Taunton about that matter, hee was centanced by the Court to pay the sume of ten shillings to the collonies vse.

In reference vnto an Indian called Mekamoo, allies Steuen, now in durance on suspicion for killing of a cow belonging to William Pointing, of

Taunton, the Court haue ordered, that hee shall pay vnto the said Pointing the sume of fifty shillings; and in case it appeer betwixt this and the next Court that hee did not kill the cow, or that any other killed it, then hee is to haue the said sume returned to him againe; but if it appeer that hee did kill it, that then hee shall pay the full worth of it.

1668.
7 July.
PRENCE,
Gov^r.

July 9, 1668. Those Indians whose names are vnderwritten stand engaged that the said sume shalbe payed forthwith on their returne home.

Witness,

The mark **F** of FRANCIS, the Sachem of Nausett.

The mark **S** of SAM: HARRY.

The marke **V** of PYANT.

The marke of **C** POMPECANCHE.

The marke of **L** JOSEPH, allies TATAWASHAW.

Thomas Perrey acknowledgeth to owe vnto our soū } lord the Kinge the sume of } 10 : 00 : 00

Richard Dwelley the sume of 10 : 00 : 00

The condition, that if the said Thomas Perrey doe appeer att the Court of his ma^{tie} to be holden att Plymouth the last Tusday in October next, to answare his p^sentment, and not depart the said Court without lycence; that then, &c.

Richard Dwelley acknowledgeth to owe vnto our soū lord the Kinge the sume of forty pounds, to be lenied on his lands, goods, and chattles.

Richard Dwelley, for being drunke the third time, was centanced, according to order, to be bound to his good behavior.

The condition, that if the said Richard Dwelley be of good behavior towards our soū lord the Kinge and all his leich people, and appeer att the Court of his ma^{tie} to be holden att Plymouth the last Tusday in October next, and not depart the said Court without lycence; that then, &c.

In reference vnto the other p^sentments of Richard Dwelley, wherby hee is convicted of fighting, and abusiue words, and other misdemenors, the Court haue centanced him to pay a fine of twenty shillings to the vse of the collonie.

John Williams engaged to pay towards his wifes maintainances a barrell of beife and a barrell of porke, to be deliuered good and marchantable soñtime in Nouember next vnto M^r Thomas Clarke att Boston, and a good cow not exceeding eight yeare old, and as much corn as will made the beife, porke, and cow ten pounds, to be deliuered att the now dwelling house of John Williams, in Scittuate, the second Tusday in May next, to the said Elizabeth Williams or her assignes.

Wheras, att the Court held att Plymouth the scauenth of June, 1665, a

1668.

7 July.
PRENCE,
Gov^r.

The conditions
of this graunt
see in the rec-
ords of the
Court, June,
1665; and by
the old path
heer is ment
the old path
that goeth
from Plymouth
to Namassa-
kett.

[*189.]

smale gussett of land was then graunted vnto Sacaryah Eedey, it is layed out to him, and the bounds of it are as followeth: it, lying betwixt his land and a brooke, is bounded with a blacke oake tree on the south syde of the old path and a maple tree aboue his house att a bridge; this was done according to order of Court by

HENERY WOOD, and

Sarjeant EPHRAIM TINKHAM, his **E T** marke.

Hugh Cole and Samuell Bacon, refusing to stand exequitors of the last will and testament of Richard Foxwell, deceased, are ordered by the Court to adminnester on the said estate.

*Wheras Marcey, the wife of Willam Tubbs, being a woman of ill fame and light behaiour apparently manifest, hath for the space of four yeares and yppwards absented and withdrawne herselfe from her husband into another col-lonie, pretending shee is att libertie, and that, notwithstanding all the meanes and waies her husband can vse with safety, shee will not be reclaimed nor pswaded to returne and abide with him as shee ought to doe; and that, alsoe, by letters to the gouernment of Road Island from this gouernment, due course hath bin taken to giue her certaine intelligence, that in case shee would not returne vnto and apply herselfe to her husband to liue with him as shee ought to doe betwixt the date of the said letters and this present Court, that then hee should be diuorced from her; and that shee hath since, before competent witnes, professed and affirmed that shee will neuer returne againe vnto him while her eyes are open; hee, the said Tubbs, appeering att this Court, and earnestly againe sollissiteing the Court for a diuorce from her, —

This Court, therefore, sees cause and doe heerby declare, that the said William Tubbs is legally cleare from his couenant of marriage formerly made with Marcey, his late wife, and free him from those duties relating therto; and that the said Marcey hath cutt of herselfe from any right henceforth to the pson or estate of the said William Tubbs, her late husband, and heerby allowing him libertie further to dispose of himselfe in marriage, if hee see fit soe to doe.

*Wce, whose names are vnderwritten, being ordered by the Court to lay out highwaies and appoint such roads as might be most suitable to the inhabitants of the towne of Bridgewater, being sworne as a jury theron, did as followeth: —

Imp^r. From the meeting house to Arther Harris his range vnto the common, and thence throw a swamp vnto the sandy hill, and then to John Haward, Junif, his range, and then crosse his lott to Daniell Bacon his house,

and then into the old way to widdow Bassetts lott to a place called the Woolfe Trapp, and then ouer the same lott to Thomas Haward, Juni^r, his lott, vnto Goodman Tomkins, of Salem, his lott, and soe through it to the peece of land left for a highway betwixt him and Thomas Snell, and then ouer a corner of Thomas Snells lott joyning neare the riuer to the bridge, and then through Nicholas Byrams land to his house, and soe ouer a little riuer, and soe ouer the plaine to a narrow place in the swamp, and soe to Arther Harris his fifty acree lot, and then by the swamp syde on the hard grownd vnto his son Samuell his house, and from thence straight to a bridge on Satuckett Riuer as the rockes will p^mitt, from thence straight away to an oake in the middest of the highway neare to Robert Lathams barne, and then to the vsuall way or road to Plymouth as farr as the bounds of our township doth extend, onely in the way wee fech a little compas to avoid a steip hill a little way from Robert Lathams lott.

Secondly. Wee haue agreed on a way or road to Boston, and is as followeth : from the meeting house on the same road aboue mensioned vnto John Hawards range, and then into the vsuall roads which reacheth into the bay as farr as our bounds doe extend.

Thirdly. It is further agreed on by vs, the way to Taunton is from the meeting house to John Haward, Seni^r, and then followeth ouer the riuer, and soe between the lotts that were Mr Brewsters and Edward Vobes their lotts, and soe in the vsuall way that leads to Taunton.

Fourthly. It is agreed alsoe by vs, that the way to the great meddow shall come out of Taunton way att the head of Edward Vobes his six acree lott, and soe att the head of Samuell Edsons six acree lot, to William Snowes, and then between the said Edsons and Snowes lands vnto the comon, and then to the riuer. These waies were laied out by vs att scuerall times as in the yeare 1667, 1668.

NICHOLAS BYRAM,
 SAMUELL EDSON,
 NATHANIEL WILLIS,
 ROBERT LATHAM,
 MARKE LAYTHORP,
 ARTHUR HARRIS,
 JOHN CARY,
 THOMAS HAWARD, Seni^r,
 THOMAS HAWARD, Juni^r,
 JOHN HAWARD, Seni^r,
 SAMUELL PACKER, Seni^r,
 JOSEPH ALDIN.

1668.

7 July.
 PRENCE,
 Gou^r.

1668.

7 July.
PRENCE,
Gov^r.

[*191.]

*This indenture, made the 24th day of September, 1667, in the 19th yeare of the raigne of our soū lord Charles the Second, Kinge of Great Brittain, et cet̄, witnesseth, that Richard Handy, of the towne of Sandwich, in the collonie of New Plymouth, woolcomber, hath couenanted, agreed, and put himselfe an apprentice to and with James Skiffe, Junir, of the same towne, cooper, to liue with the said James from the 25th of October next ensueing vntill that hee judge in himselfe that hee hath fully attained the skill and craft of a cooper. The conditions on Richards p̄te are, first, that vpon the sealing heerof, hee deliuer vp to James his whole cropp of Indian corne, beanes, and pumpianes, which hee hath now growing in Ensigne Dexters land, and that hee p̄forme halfe the worke with James in gathering and conueying home the said cropp. 2^{condly}. That hee worke dilligently and faithfully with and for the said James in the occupation of a cooper, according to the vsuall costoms of prentises, not absenting himselfe needlesly and att his pleasure from his worke either day or night, but att lawfull houres, during his abode with James; likewise, that hee shall not sett vp for himselfe, or instruct any other in the craft of a cooper, in the lymetts of Sandwich, without lycence from James, but vpon the forfeiture of ten pounds sterling to be payed to the said James vpon euery such acte. In consideration wherof, James doth agree with and engage to deliuer to the said Richard seauen bushells of marchantable corne and his diett, good, wholsome, and sufficient, during the said tearme; and, further, hee doth engage to instruct the said Richard faithfully in the whole craft of a cooper soe farr as James himselfe vnderstands, with what expedition the said Richard shall from time to time be capable to receiue it; and likewise that hee will not hinder the said Richard by busying about worke which doth not tend to his obtaining insight into the abouesaid trade; and that when that Richard shall judge, that by his owne dilligence and instruction of James hee hath sufficient skill in coopering, then James shall giue him full leaue to depart, without any disturbance. For confirmation wherof wee haue enterchangably sett to our hands and scales, this 24th day of September, 1667.

RICHARD HANDY, and a

Seale.

Read, signed, sealed, and deliuered in the
p̄sence of vs, witnesses,

Ichabod Wiswall,
Remember Wiswall.

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GENERAL INDEX.

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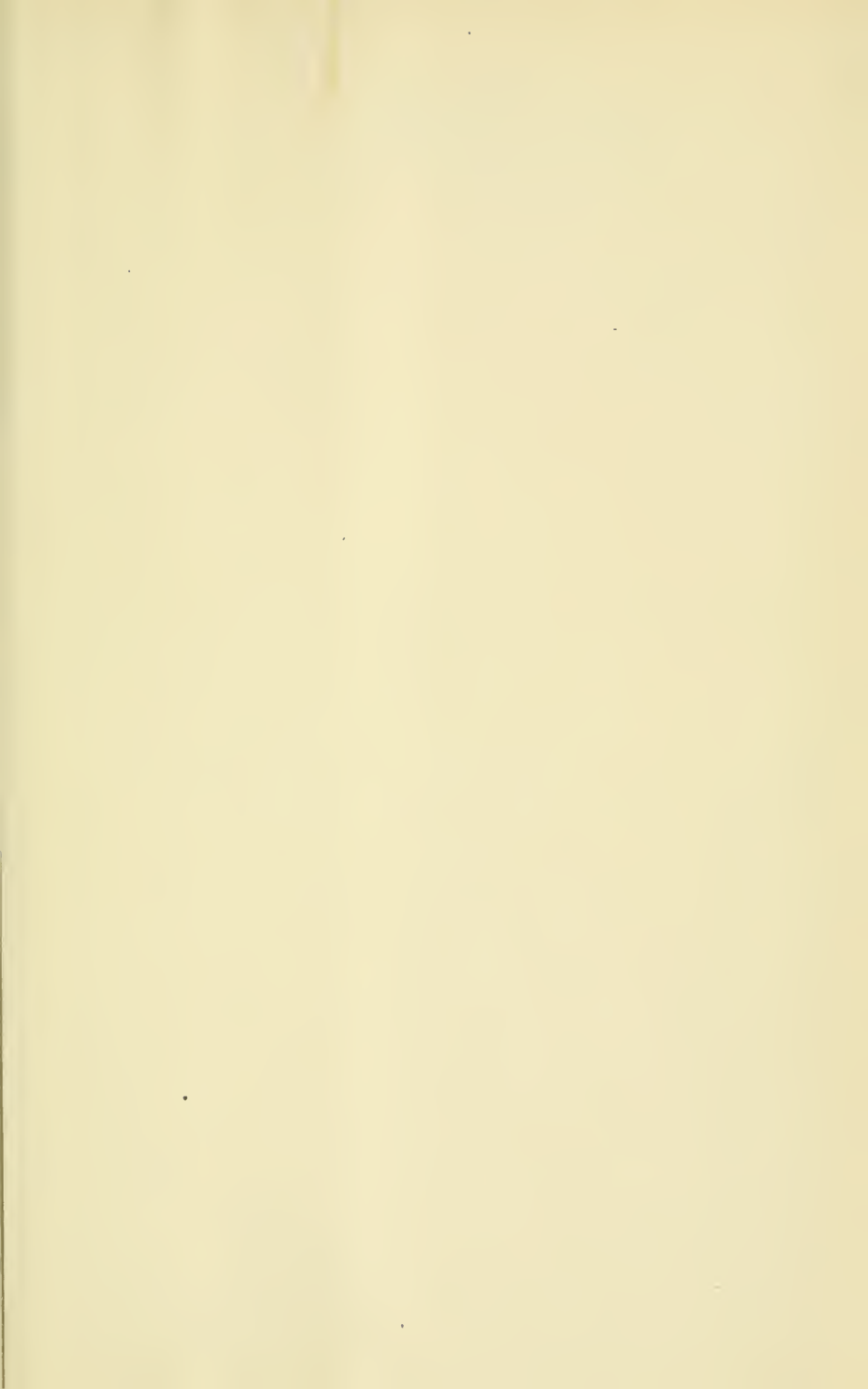
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